

Printed for the use of the Foreign Office. November 1884.

CONFIDENTIAL

(5081.)

PART VIII.

F.O.
403

FURTHER CORRESPONDENCE

RESPECTING THE

AFFAIRS OF NORTH AFRICA.

53

July to September 1884.

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Further Correspondence respecting the Affairs of North Africa.

PART VIII.

No. 1.

Sir J. Drummond Hay to Earl Granville.—(Received July 1.)

(No. 67.)
My Lord,

Tangier, June 24, 1884.
WITH reference to my despatch No. 66 of the 12th instant, referring to the erroneous and unfavourable impressions which must be produced on the minds of those who may read the articles published in French journals regarding my action and conduct as British Representative in Morocco, I hope your Lordship will excuse my again having occasion to refer to this subject in consequence of a leading article which appeared in the "Times" of the 17th instant, and the concluding paragraph herewith inclosed, in which the writer declares that the "predominating" influence, which, it is alleged, I enjoy at the Sultan's Court, has not been exerted vigorously in the cause of civilization and humanity. This is an echo of the opinions expressed in the French press, and no doubt the charge that I have not done my duty as the Representative of Great Britain will be believed by my countrymen so long as it remains uncontradicted.

A perusal of the numerous notes I have addressed this Government during the last forty years, and the energetic and decided language I have held to the Sultan and his Ministers on the various occasions I have visited the Court, will, I trust, suffice to prove these allegations to be unfounded.

Take, for instance, the language I held to Sultan Mulai Hassan on my last visit to the Court in 1882;* and the notes I addressed, and the language I held, on previous visits to the late and present Sultan, and I beg to ask whether I could have used more energetic and decided language to arouse the Sultan and his Government from their lethargy, without resorting to words of menace and intimidation. Her Majesty's Government have always approved of my conduct on such occasions, but I have never received instructions to resort to menace, or even to insist that my counsels be followed. I find that as far back as 1868 I made an effort to induce Sultan Mohammed to alter his system of government. Though little success attended my efforts, I have never gone "to sleep," as one of the correspondents of the "Times" expresses himself, and Her Majesty's Government have innumerable proofs of this. The blame, therefore, that this country remains in its present wretched state cannot be laid at my door. Her Majesty's Government have never thought it politic or advisable to support my action by a display of force, and to dictate their will to this weak Government under the cannon's mouth, the sole argument, I fear, which prevails with Mohammedan potentates of the present century.

Without wishing to indulge in self-praise, I beg to reiterate that the improvements and concessions to trade which have been obtained during the last thirty years were effected by me, and instead of aid I have not infrequently met with covert opposition from some of my colleagues in their jealous endeavours to mar my efforts.

It is alleged that I possess great influence at the Moorish Court and throughout the country. The fact of the Sultan and his Ministers not following the advice I have so frequently given, and which it cannot be said has been tendered in flattering or soothing

* See Inclosure in despatch No. 9, Commercial, of April 29, 1882.—J. H. D. H.

language, show that whatever may have been the friendly sentiments entertained by the Sovereigns of Morocco or their Ministers towards me, I have not had the power to induce them to follow my counsels.

I admit that both the late and the present Sultan, and in general the Ministers and chief officers of the Sultan, profess esteem and friendship for me which I believe to be sincere. I also feel proud of having gained the good-will of the population, high and low, so that the British name is respected, and I may say beloved; but if this is so, I attribute solely that result to my having during a long course of years treated the Moors with justice and kindness, and having inculcated similar action on my subordinate officers, whilst I have never taken advantage of the power and authority which the Representative of a great Power possesses with a weak Government like that of Morocco, to trample on or disregard their rights.

I trust your Lordship will forgive my importunity in returning to this subject, which affects me personally, but as an old servant, who will soon retire from office, I am sure your Lordship will excuse the natural desire that I should not be held up to the world, and especially to my countrymen, as having failed in doing my duty. I therefore beg, if no form of denial can be made in Parliament to the allegations of the press, that Her Majesty's Government may publish, or may authorize me to place in print, the numerous notes I have addressed this Government upon the subject of the introduction of reforms and improvements, and the removal of restrictions on trade during the last forty years, avoiding, of course, the publication of notes or of despatches upon political subjects.

I have, &c.

(Signed) J. H. DRUMMOND HAY.

Inclosure in No. 1.

Extract from a Leading Article in the "Times" of June 17, 1884.

THERE is no necessary reason in the nature of things why even the present profundity of painful lethargy should remain unfathomed: at least, the predominance English diplomacy, by common consent, enjoys at the Court of the Sultan should be exerted a little more vigorously than hitherto on behalf of simple humanity. It may easily be that the authority the British Legation in Morocco is believed to possess may be retained on the terms that it shall not be used. The deliberate conclusion of Englishmen would be that they would prefer to have this put to the test. They would rather England occupied a less-favoured cushion in the councils of Morocco than that it should be credited with power to disperse the malarious vapours and a willingness to breathe them.

No. 2.

Mr. Rende to Earl Granville.—(Received July 1.)

(No. 30.)

My Lord,

Tunis, June 24, 1884.

I HAVE the honour to acknowledge the receipt of Mr. Under-Secretary Lister's despatch No. 22 of the 26th ultimo, in reply to a report I had felt it my duty to make to your Lordship's Office regarding the judgment lately awarded by arbitrators in the case of General Benayad's claims against the Tunisian Government.

In the views which Mr. Lister has been pleased to express in that despatch, I trust it is scarcely necessary I should say I entirely concur. Under the circumstances, and so far as Her Majesty's Government is concerned, Benayad, as he himself is fully aware, has certainly no reasonable ground of complaint. At the same time, and notwithstanding what is above stated, a great wrong has, it appears to me, been done, for which I cannot but allow he is justified in seeking redress, and as, with a view to enforce execution of the arbitration award, the French Tribunal here has thought proper to confirm that award, he has decided to appeal against the sentence to the higher Court of Algeria. In this appeal he is supported by an eminent French lawyer, but as, strangely enough, some of the authorities appear to be greatly incensed at the attempt which will be made to evade or nullify the action of the arbitrators, the prospects of the move are, to say the least, problematical.

Of two notices of this appeal I beg to herewith inclose a copy.

That the strictures which appear in my former Report (No. 21 of the 9th May),

were not without foundation, the accompanying letter which, with your Lordship's permission I venture to submit in original, will, I trust, conclusively show.

If further testimony were necessary, I would add that Mr. Stevens, Her Majesty's Consul at Porto Rico, who is now here, confirms Sir Richard's statement in all its essential points.

I have, &c.

(Signed) THOS. F. READE.

Inclosure 1 in No. 2.

Appeal on behalf of General Ben Ayad against Sentence confirming Arbitration Award.

L'AN mil huit cent quatre-vingt-quatre et le dix-neuf Juin.

A la requête du Général Si Hamida Ben Ayad, domicilié et demeurant à Tunis, assisté de M. A. Aicard, Avocat à Marseille, et pour lequel domicile est élu dans l'étude de M. A. Brulat, Avocat défenseur près le Tribunal Civil de Tunis y demeurant, le, Louis Proal, Huissier près les Tribunaux de Tunis y demeurant sousigné,

Ai signifié et déclaré au Général Si Mohammed El Aziz Ben Atour, en sa qualité de Premier Ministre de Son Altesse le Bey de Tunis représentant le Gouvernement Tunisien, au domicile par lui élu à Tunis dans les bureaux de la Direction des Finances à Dar El Bey, où, étant et parlant à la personne de Hamed El Rabbli, son officier de garde qui s'est chargé de remettre cette copie, que le Général Si Hamida Ben Ayad forme par les présentes opposition à l'Ordonnance de M. le Président du Tribunal de Tunis en date du 7 Mai dernier, déclarant exécutoire une Sentence Arbitrale en date à Tunis du 5 Mai, 1884, rendue par MM. de Blignières et A. Dingli,

Et c'est par le motif que l'acte qualifié Jugement Arbitral est nul et non avenu tant comme ayant été rendu sans compromis valable que par toutes autres causes de nullité, que le requérant se réserve de faire valoir en temps et lieu devant la juridiction compétente.

Et avons laissé copie à M. le Général Si Mohammed El Aziz Ben Atour en qualité, étant et parlant comme dessus.

Coût 5 fr. 75 c.

(Signé) L. PROAL.

Inclosure 2 in No. 2.

Appeal on behalf of General Ben Ayad against Sentence of French Tribunal confirming Award of Arbitration in case of his Claims against the Tunisian Government.

L'AN mil huit cent quatre-vingt-quatre et le vingt Juin.

A la requête du Général Hamida Ben Ayad, propriétaire, demeurant à Tunis, pour lequel election de domicile est faite à Alger en l'étude de M. Cheronnnet, défenseur près la Cour d'Alger qu'il constitue et qui occupera pour lui sur les présentes et suites,

J'ai, Louis Proal, Huissier près les Tribunaux de Tunis y demeurant sousigné,

Déclaré à Si Mohammed El Aziz Ben Atour, Premier Ministre de Son Altesse le Bey de Tunis, pris comme représentant le Gouvernement Tunisien, demeurant à Tunis, dans les bureaux du Ministère des Finances au Palais de Dar El Bey où étant et parlant à sa personne de M. Mohamed Genedi, Interprète de M. le Secrétaire-Général du Gouvernement Tunisien qui a visé le présent,

Que mon requérant interjette par ces présentes appel d'une prétendue Sentence Arbitrale en date du 5 Mai, 1884, revêtue d'une Ordonnance exécutoire rendue par M. le Président du Tribunal Civil de Tunis, en date du 7 du dit mois de Mai, signifiée par exploit de M. Granjon, Huissier à Tunis, du 21 Mai, la dite sentence rendue entre le Gouvernement Tunisien et le requérant par MM. les arbitres Dingli et de Blignières suivant un prétendu compromis en date du 5 Avril, 1884.

Et c'est par le motif que le prétendu compromis est nul faute de désignation des arbitres et tous autres moyens de nullité de forme; par le motif encore que la dite décision arbitrale a commis des excès de pouvoir en ne se renfermant pas dans les limites et les termes du compromis intervenu entre les parties, en admettant des réclamations du Gouvernement Tunisien antérieures au 23 Mars, 1870, dont le rejet avait été convenu dans les conditions préalables du compromis, et par le motif, en outre, que c'est à tort que la Sentence Arbitrale dont il s'agit n'a pas accueilli des chefs des réclamations du

requérant et a au contraire fait droit aux chefs des réclamations du Gouvernement Tunisien, lesquels devaient être déclarés non recevables comme n'étant pas prévus au compromis, et en tous cas mal fondés, ainsi que du tout il sera justifié en temps et lieu comme encore par tous autres motifs de forme, de fins de non recevoir et de fonds.

En conséquence, et à même requête et éléction de domicile que dessus, j'ai assigné Si El Aziz Bou Atour en sa dite qualité à comparaitre à huitaine franche outre les délais de distance à l'audience et par devant M. le Premier Président, Présidents et Conseillers composant la Cour d'Appel d'Alger y séant au Palais de Justice de la dite ville aux jour et heure de ses audiences et à toutes autres audiences utiles.

Pour :

Voir prononcer la nullité de l'acte qualifié Sentence Arbitrale du 5 Mai, 1884 ; voir dire que la dite sentence est nulle et qu'il a été mal jugé au fond ; voir ordonner que la dite Sentence sera annulée et en tous cas infirmée ; que le Général Si Hamida Ben Ayad sera libéré des condamnations prononcées contre lui, et que le Gouvernement Tunisien sera déclaré non recevable ou tout au moins mal fondé en sa demande, s'entendre le dit Gouvernement Tunisien condamner à payer au requérant :—

1. La somme principale de 215,193 piastres pour les travaux de dessèchement du Lac Si Djoumi entrepris par le requérant rejetée par les arbitres et ce par application des dispositions de l'Article 2103, § 4 du Code Civil, ainsi conçu : " Les créanciers privilégiés sur les immeubles sont 4. Les architectes, entrepreneurs, maçons et autres ouvriers employés pour édifier, reconstruire, ou réparer les bâtiments, canaux, ou autres ouvrages quelconques, &c. " et des dispositions de l'Article 2166 du même Code ainsi conçu : " Les créanciers ayant privilège ou hypothèque inscrite sur un immeuble le suivent en quelques mains qu'il passe. "

Que vainement les arbitres se sont basés pour annuler ce privilège sur une prétendue déclaration du Tribunal du Chârs qu'ils n'avaient pas à consulter et dont les conditions de dépendance vis-à-vis du Gouvernement Tunisien ne lui permettaient à émettre une décision ni même un avis indépendant en pareille matière.

Que, d'ailleurs, la décision arbitrale du 5 Mai est contraire à une précédente décision arbitrale rendue sur le même objet le 19 Juin, 1880, passée en force de chose jugée ; à plusieurs décisions des Tribunaux Consulaires de France et Italie qui seront produites en temps et lieu.

2. Les intérêts de la dite somme de 215,193 piastres ainsi que le montant de tous les autres chefs de demande du requérant qui ont été maintenus devant les arbitres, et qui seront repris, relatés, et justifiés dans un Mémoire supplétif, lequel sera dûment signifié en temps opportun tant au Gouvernement Tunisien qu'à son avoué défenseur devant la Cour.

S'entendre en outre le Gouvernement Tunisien condamner aux intérêts des sommes réclamées par le requérant dans ses divers chefs de demande.

Voir ordonner la restitution de l'amende et se voir en outre condamner en tous les dépens.

Et j'ai au dit Si Mohammed El Aziz Bou Atour sa-qualités au domicile ci-dessus indiqué et en parlant comme dessus laissé copie des présentes dont le coût est de 6 fr. 5 c. plus 1 fr. de visa.

(Signé) L. PROAL.

Inclure 3 in No. 2.

Sir R. Wood to Mr. Reade.

My dear Mr. Reade,

Nice, 2, Rue d'Angleterre, May 24, 1884.

I HAVE received, and have read with deep interest your letter and its inclosures regarding poor Si Hamida's affair; and must certainly admit that nothing has surprised me more than the award of the arbitrators. It was most unexpected. Although Khairuddin often referred to accounts, yet, so far as I remember, the reference related to the revision and auditing of the accounts, which constituted Si Hamida's claim upon the Government, and not to counter-claims, which, had they existed in reality, that is, had they not been closed and settled before the establishment of the Finance Commission, both Khairuddin and M. Vilette would have brought them forward in answer to my reiterated representations to have the claims settled. They would have been but too happy and too glad to put a stop to my remonstrances, while, at the same time, they would have dealt a severe blow to Si Hamida.

According to my private opinion, there are two facts upon which a clever lawyer could base his protest. In the first place, as Ben Ayad's claims date long before the French Protectorate, and as the Protectorate cannot have, according to law or international usage, a retrospective effect, the official intervention of the French Government ought never to have been admitted. It being a matter between the Tunisian Government and a British-protected subject, the arbitrators should have been named by the parties themselves. And in the second, since it was clearly stated in the Bond of Arbitration that all claims dating anteriorly to the establishment of the Commission in 1870 were to be rejected as inadmissible, the restriction applied both to Ben Ayad as well as the Government. This is the only logical and equitable conclusion; otherwise, it would have been distinctly stated that it only applied to Si Hamida; and the pretension now that it did so apply is directly at variance with common justice and, I may add, fair play. In a law-suit or question of this description a Government, as a Government, can have no privilege or right over its opponent; they are both litigants, and stand upon an equal footing, especially according to Mahommedan law. It is much to be regretted that Sir Adrian did not insist upon this. His shrewd, very clever, and smooth-tongued French colleague would have been finally compelled to admit it or stand accused of unfair dealing for having omitted to state at the very commencement of the sittings of the Court of Arbitration that the restriction applied solely to Ben Ayad and not to the Tunisian Government, &c. I can easily imagine all the intrigues resorted to by the set of employés who attended the sittings to obtain the condemnation of poor Si Hamida. I know some of them too well. I feel really grieved and pained for the Ben Ayads, who are quasi ruined. I am afraid that now little can be done to mend the mischief committed, but rest assured that, should ever the Foreign Office put any questions relative to this deplorable affair, I will answer them to the best of my ability and so far as my memory will assist me. In the meantime, I thank you for the documents you forwarded to me to refresh it. Of course, the arbitrators must have based their award upon reasons which I ignore. Before I conclude I must compliment you upon your very able explanatory despatch to Lord Granville, setting forth the reasons which impelled you to take an active part in the question, &c.

With best and kindest regards, believe me, &c.

(Signed)

RICHARD WOOD.

No. 3.

Karl Granville to Mr. Reade.

(No. 25.)

Sir,

Foreign Office, July 1, 1884.

I HAVE received your despatches No. 25 of the 9th June and No. 20 of the 12th June, relative to the conversion of the Tunisian Debt, and the substitution of a new guarantee for that which has hitherto existed for the liquidation of the unpaid coupons of past years.

I have to request you to inform me what are the objections entertained to the arrangement offered in the letter of the Tunisian Prime Minister to the President of the Financial Commission of the 8th June, copy of which is inclosed in your despatch No. 26.

I am, &c.

(Signed)

GRANVILLE.

No. 4.

Earl Granville to Viscount Lyons.*

(No. 578.)

My Lord,

Foreign Office, July 1, 1884.

I TRANSMIT to your Excellency herewith, for your information, copy of a despatch which I have received from Her Majesty's Chargé d'Affaires at Madrid relative to France and Morocco.†

I am, &c.
(Signed) GRANVILLE.

No. 5.

Sir J. Drummond Hay to Earl Granville.—(Received July 3.)

(No. 60.)

My Lord,

Tangier, June 26, 1884.

WITH reference to my despatch No. 67 of the 24th instant, in confirmation of what I have stated to your Lordship regarding the erroneous impression left on the minds of the public by the malevolent allegations made in journals that I have opposed all reforms and improvements and obstructed British enterprise and commerce in Morocco, I have the honour to transmit the "Réveil de Maroc" of the 25th instant, which publishes the translation of an article in the "St. James' Gazette" of the 10th instant, for I do not take in that paper.

Unless a formal denial to these false charges made against my conduct is given by Her Majesty's Government, the British public will naturally continue to give credence to statements which are repeated so frequently in journals both Liberal and Conservative; and I feel confident your Lordship will concur with me in thinking that a great personal injury is thereby done to me.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 6.

Sir J. Drummond Hay to Earl Granville.—(Received July 4.)

(No. 68. Confidential.)

My Lord,

Tangier, June 26, 1884.

A CONFIDENTIAL Memorandum was put into my hands by Cid Mohammed Ben Suleiman, one of the Sultan's secretaries, containing the following information:—

That on the return of M. Ordega he sent off an express courier with a letter for the Sultan, addressed under cover to the Chief French Instructor of Artillery at the Court, with directions to deliver it in person to the Sultan. His Majesty declined to receive a letter through such a channel, but requested that it should be delivered to the chief usher of the Court. This was done. The Sultan did not reply himself to the letter, but directed his Chief Chamberlain to do so.

The contents of the letter were that M. Ordega required that "the Sherceef and his sons should remain under French protection, honoured and respected, and that French citizens should enjoy the rights and privileges to which they are entitled."

The reply of the Sultan was that the Sherceef would be respected as his ancestors had been, but that no especial privileges could be granted besides those they had possessed; and that the farms and dependents of the Sherceef within the territory of Morocco must be subject to the Sultan's authorities, as had always been the custom.

With regard to the rights and privileges to which French subjects are entitled, the Chamberlain replied by order of the Sultan that "it was clear they were acknowledged, and that any question or claim should be brought under the notice of the Moorish Minister at Tangier, and that they should be settled in a just manner."

The Memorandum states that these were the only subjects mentioned either in M. Ordega's letter or in the reply.

* Also to Sir J. S. Lumley (No. 153), Lord Amthill (No. 122), Sir A. Paget (No. 109), Sir E. Thornton (No. 196), the Earl of Dufferin (No. 210), and Sir J. Drummond Hay (No. 33).

† See Part VII, No. 200.

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No. 5^a.

M. Waddington to Earl Granville.—(Received July 3.)

M. le Comte,

Londres, le 2 Juillet, 1884.

LE Gouvernement de la République d'accord avec le Gouvernement du Bey a décidé de convertir la dette générale Tunisienne et de garantir l'émission de l'emprunt nécessaire pour effectuer, au choix des porteurs, le remboursement ou la conversion des anciens titres présentement en circulation. Je suis chargé par M. Jules Ferry de porter officiellement à la connaissance du Gouvernement de la Reine le dit Arrangement qui a été signé le 8 Juin, 1883, et qui a été ratifié par une Loi Française du 9 Avril de la présente année.

Votre Excellence trouvera ci-joint le texte de ces deux documents et appréciera, nous en sommes convaincus, tout l'avantage qui en résulte en faveur des créanciers de la Tunisie.

La mesure en question entraînera par elle-même la disposition de la Commission Financière Internationale; cette Commission n'avait, en effet, d'autre raison d'être que d'assurer le paiement régulier des intérêts d'une dette qui va cesser d'exister.

Toutefois, en dehors des titres de la rente Tunisienne, il reste en circulation des certificats de coupons arriérés antérieurs à 1870, et nous avons spécifié que celles de ces valeurs qui ne seront pas présentées à la conversion, demeureront sous le régime de l'Arrangement du 23 Mars, 1870. Elles continueront donc à être remboursées progressivement par voie de tirage au sort à l'aide de fonds provenant d'une retenue de 5 pour cent faite ad hoc sur le produit des Douanes.

Quelques membres de la Commission Internationale ont formulé des objections à propos de cette mesure. Ils ont fait observer qu'en outre des garanties assurées par l'Arrangement du 23 Mars, 1870, les créanciers avaient l'administration directe du 5 pour cent des Douanes affecté au paiement des certificats, et qu'ils étaient ainsi assurés que le produit n'en serait pas détourné pour d'autres usages, tandis qu'après la suppression de la Commission ils n'auraient plus ni l'administration, ni même le contrôle de la Douane, qu'ils ne pourraient empêcher l'Etat de s'approprier les revenus affectés au paiement de leurs créances, ni même s'assurer que l'Etat n'agit pas ainsi.

Le Gouvernement du Bey, en présence de ces objections, a cru devoir proposer certaines garanties à l'effet de compenser celles qui résultent actuellement, pour les porteurs de certificats arriérés, de l'existence de la Commission Financière Internationale. Elles consistent à laisser vérifier désormais par les Consuls de France, d'Angleterre, et d'Italie, les comptes de l'Administration des Douanes, afin que, grâce à ce contrôle, les porteurs de certificats de coupons arriérés soient assurés que le 5 pour cent auquel ils ont droit, est bien exactement prélevé en leur faveur sur cette branche de revenus. De plus, le Gouvernement du Bey garantirait six mois d'avance, par un dépôt de titres de l'Etat Français ou Tunisien, le remboursement des certificats qui sortiraient au tirage suivant.

La Commission ayant accepté ces offres, il ne reste plus qu'à obtenir des Puissances intéressées que leurs Consuls à Tunis soient autorisés à procéder périodiquement à cette vérification. Mon Gouvernement, pour sa part, est prêt à envoyer à son Consul des instructions en ce sens, et me charge de solliciter du Gouvernement de la Reine une décision semblable. Je vous serai très reconnaissant de me faire part le plus tôt possible de l'accueil que ma démarche aura rencontré auprès de votre Excellence.

Veuillez, &c.
(Signé) WADDINGTON.

The Memorandum then mentions that neither Cid Mohammed Bargash nor M. Ordega have up to the present time brought forward any other matter for discussion, "neither for entering into a Treaty, nor regarding any alteration of frontier."

The Memorandum states that the visit of Cid Mohammed Bargash to Paris was an after-thought, and was brought about solely by his desire to obtain the advice of an oculist, and that on this account he had requested the Sultan's permission to go there, and that it had been granted.

The Secretary informed me that it was by the Sultan's orders a copy of this secret Memorandum was put into my hands, and then he added, it was drawn up in consequence of certain queries put to the Vizier by the Italian Minister, M. Scovasso, and that as the Memorandum had been sent to M. Scovasso, he supposed the Sultan desired also that I should be put in possession of the same information.

I take this opportunity of mentioning to your Lordship that both M. Ordega and the Shereef, since the return of the former, have modified their language and conduct. The French Chancellor called upon the Acting Moorish Minister, and informed him that the French Legation would not prevent or interfere with the right of the Basha of Tangier to exercise his jurisdiction over the tribes of Anjera, so long as no injustice was done to the dependents of the Shereef.

I am informed also that a tribe from the Mountain of Gebel Habeeb having come to Tangier bringing gifts, &c., to the Shereef of Wazan, instead of, as is usual, to the Basha of Tangier, their Governor, the Shereef, offered to transfer the gifts to the Basha. The latter, I am told, declined the offer, saying that he could not admit the Shereef's interference or mediation, as it was the duty of all loyal tribes to present themselves to him as the Representative of the Sultan.

The Shereef had sent up two Moorish dependents to the public prison. The Basha gave orders that they were not to be admitted, and that, if there were any charges against them, they should be brought before his Tribunal for trial, and then he alone would decide whether they were to be imprisoned or not.

For the moment, it would appear that affairs have taken a more favourable turn for the assertion of the Sultan's authority. How long M. Ordega will permit it to last remains to be seen.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 7.

Sir J. Drummond Hay to Earl Granville.—(Received July 7.)

(No. 70.)

My Lord,

Tangier, June 30, 1884.

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 31 of the 21st instant, transmitting copy of a note addressed by M. Jules Ferry to Her Majesty's Ambassador at Paris, in answer to the remonstrance which his Excellency had made by your Lordship's direction against the calumnious statements respecting myself which appeared in the "Gaulois" of the 8th May, and your Lordship inquires whether I am satisfied with the official disclaimer made by M. Ordega in a telegram to the editor of the above-mentioned journal which has been transmitted through the Foreign Office at Paris, but which M. Ferry has not thought advisable to send for publication in the "Gaulois," as he considers it would revive an untoward polemic which he says is closed.

I will not conceal from your Lordship my surprise that M. Ferry, after allowing seven weeks to elapse since the publication of the calumnious statements, which the editor declared had been communicated to him by M. Ordega, should now propose to drop the matter without giving the promised publicity to the disclaimer of the latter.

Under these circumstances your Lordship will, I trust, understand that I cannot feel satisfied with a disclaimer which is known only to the members of the British and French Foreign Offices and of Her Majesty's Embassy at Paris.

The calumnies contained in the "Gaulois" have been circulated, through the journals of other foreign countries besides France, and I have received letters from friends, both in England and abroad, inquiring how it comes to pass that such grave accusations put forward against me have been passed unnoticed. One of my correspondents who resides abroad had commenced to take steps for prosecuting the editor of a journal for libel, on account of his having published the article of the "Gaulois," but I wrote to recommend that he should await the publication of the "démenti formel" promised by M. Ferry. It is no satisfaction to me that M. Ordega should have denied to

M. Ferry that he had communicated to the "Gaulois" language which every one here with whom he had conversed about this country recognized to be his, unless publicity is given to his disclaimer. M. Ferry considers M. Ordega's assurance to be satisfactory. I admit that he could not do otherwise, unless proofs had been forthcoming that M. Ordega had communicated indirectly with the editor of the "Gaulois," but I was anxious that those who have read the calumnious statements in that journal should also be enabled to read the disclaimer, even though it be made public after a lapse of two months.

M. Ferry has supported and approved such anomalous proceedings on the part of M. Ordega in this country that I am not surprised he should wish to avoid taking any step which might affect in the slightest degree the position of M. Ordega, by publishing a document which would naturally produce an unfavourable impression on the minds of those who had recognized his language in the "Gaulois." M. Ferry says, "Je ne doute pas que le Ministre de France au Maroc n'ait déjà exprimé à ses collègues à Tanger sa surprise et son regret pour des propos qu'on lui prêtait et ne leur ait donné toutes les explications désirables." I have not received any explanation from M. Ordega; in fact, from the day the unpleasant altercation took place between us, I have had no personal communication with him. He departed from Tangier without calling or even leaving a card on me. He treated in the same manner, contrary to etiquette, Her Majesty's Consul, who is acting as Chargé d'Affaires for Belgium, and he has not called or left cards since his return, either on him or on me. I hear that he paid a visit to the Portuguese Minister, M. Colaco, and offered explanations which were accepted.

I learn from the Italian Minister, M. Scovasso, that he had received a message through a mutual friend from M. Ordega to say that he was "innocent" as regards the publication of the calumnies in the "Gaulois," and that he regretted any unfavourable impression should have been produced thereby.

M. Scovasso replied that he could not accept as satisfactory any excuses, unless a formal disclaimer signed by him was in the first place inserted in the "Gaulois;" that he, M. Ordega, was required according to etiquette to pay him an official visit on his return to his post, that if he did so the visit would be returned, but that he declined to receive a visit of any other character until the disclaimer appeared. Then M. Ordega sent a further message to say he did not venture to call, as he heard M. Scovasso had declared that it had been his intention "de le souffleter," and even to kill him. M. Scovasso replied that this was not true, though he had certainly intended to have demanded satisfaction from M. Ordega "sur le terrain d'honneur," but that he had received orders from Rome not to do so.

I will not conceal from your Lordship that, setting aside the libel in the "Gaulois," I attribute, in great measure, the virulent attacks made upon me, both by foreign and English journals, to have been initiated and brought about by the action of M. Ordega.

Some months ago a series of articles were inserted in the "Réveil du Maroc," the mouthpiece of M. Ordega, wherein I was declared to be opposed to the introduction of reforms and improvements, &c., in this country. No instance was specified of this alleged obstructive policy, but I inferred that the accusations were made owing to M. Ordega's resentment on learning that I disapproved of the irregular protection he had afforded to the Sherref of Wazan, through whom he had announced civilization was to be introduced into this country, and that the Sherref was destined to become the Sovereign of Morocco.

Simultaneously with M. Ordega's visit to Paris, the French journals echoed these opinions, and of late the English papers, biased, I suppose, by the opinions of the French press, and by communications they have received from English residents in this country, who consider themselves aggrieved in consequence of my not having supported irregular and improper demands, have also attacked me without the slightest justification. As a proof that M. Ordega is in some way connected with the writers of these articles, I learn, from a reliable source, that copies of the journals containing accusations against me are sent to him, and are then communicated to the editor of the "Réveil," who publishes them with unfavourable comments upon my conduct.

This state of things, produced by the action of a colleague, becomes intolerable so long as Her Majesty's Government may not give, in some public form, a distinct contradiction of the charges made against me.

Since M. Ferry has declined to communicate M. Ordega's disclaimer to the "Gaulois," and as your Lordship may have reasons for wishing to avoid further correspondence upon this subject with the French Government, I beg to inform your Lordship that I shall feel quite satisfied if an opportunity is taken in either House of Parliament, by your Lordship or other Minister of State, to declare that the attacks made upon my character in the French journals, and the accusations made against me

in the English and French press of having been opposed to the introduction of reforms and improvements, and of having obstructed the enterprises of British subjects, are baseless, that Her Majesty's Government have always had occasion to approve of my conduct, and that I continue to enjoy their confidence, or something to that effect. Such a public contradiction of the defamatory accusations which have been made against me would satisfy me, and I should take no further notice for the future of the utterances of local papers or of what may be published in foreign or English journals regarding my conduct.

M. Scovasso informed me that in a speech of M. Mancini on the 11th June in the Italian Parliament that Minister took an occasion of declaring that the accusations made against the character of the Italian and English Ministers were "contre la vérité."

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 8.

Earl Granville to Sir J. Drummond Hay.

(No. 34.)

Sir,

Foreign Office, July 7, 1884.

WITH reference to your despatch No. 57 of the 7th ultimo, I transmit herewith, for your information, copy of a despatch which has been received from Her Majesty's Ambassador at Paris forwarding an extract from the "Journal des Débats" on the subject of the return of M. Ordega to Tangier, and the policy of France with regard to Morocco.*

I am, &c.
(Signed) GRANVILLE.

No. 9.

Sir J. B. Lecky to Earl Granville.—(Received July 8.)

(No. 106.)

(Extract.)

Rome, July 4, 1884.

ON the 3rd instant the Chamber of Deputies adjourned for the summer vacation, and the Senate separated for the same period; during the last three meetings of the Senate, however, the number of absentees on leave and for other reasons was so great that no House could be formed, and several important Bills that have been laid before it have not been voted, a circumstance of serious inconvenience to the Government, especially as one of them is the Bill approving the arrangement concluded with France respecting Consular jurisdiction in Tunis.

No. 10.

M. Waddington to Earl Granville.—(Received July 10.)

M. le Comte,

Londres, le 9 Juillet, 1884.

LE Sieur Hamida Ben Ayad vient d'adresser au Gouvernement Tunisien deux sommations en vue de provoquer, par la voie des Tribunaux Français, la révision de la Sentence Arbitrale rendue contre lui par Sir Adrian Dingli et M. de Blignières.

Votre Excellence reconnaîtra sans nul doute avec moi qu'un appel judiciaire en cette circonstance est absolument injustifiable, le verdict des arbitres étant par sa nature définitif et sans appel. D'ailleurs, le Sieur Hamida Ben Ayad avait lui-même reconnu ce principe dans le compromis qui a été signé par lui et le Gouvernement Tunisien à l'ouverture de l'arbitrage.

En outre, le réclamant ne serait pas recevable à s'appuyer sur des infractions aux dispositions de la législation Française; car, en usant du privilège de l'arbitrage auquel le Gouvernement Tunisien n'a consenti que dans un esprit de conciliation, il se proposait justement de s'affranchir de la compétence des juridictions tant Française qu'Anglaise et Tunisienne. Sir Adrian Dingli avait fait, lors de l'arbitrage, des déclarations précises dans ce sens.

Enfin, le Cabinet Anglais ne pourra voir avec indifférence que la validité d'un verdict auquel a pris part un homme aussi éminent que Sir Adrian Dingli soit révoquée en doute par un Arabe qui, à la suite des faits révélés par l'enquête, ne mérite plus à aucun égard la protection du Gouvernement de la Reine.

Dans ces conditions, votre Seigneurie jugera sans doute opportun de faire nettement comprendre au Sieur Hamida Ben Ayad qu'en voulant interjeter appel de la Sentence Arbitrale, il viole une Convention Diplomatique conclue entre les Gouvernements Français et Anglais et acceptée par lui-même en vertu d'un engagement formel, qu'il ne saurait en conséquence compter à aucun degré sur les encouragements ou l'appui du Gouvernement de la Reine, et qu'il encourt au contraire sa désapprobation la plus formelle.

Mon Gouvernement serait particulièrement obligé à votre Excellence de faire entendre ce langage à Hamida Ben Ayad, et je la prie de vouloir bien m'informer de sa résolution à ce sujet.

Veuillez, &c.
(Signé) WADDINGTON.

No. 11.

Count Nigra to Earl Granville.—(Received July 14.)

My Lord,

London, July 10, 1884.

ACCORDING to the sense of Article 4, No. 2, of the Decree of the Bey of Tunis of the 27th May, 1884, regulating the conversion of the debts of the Regency, the possessors of certificates issued in 1870 for bills not yet liquidated (which are at present redeemable without interest by means of annual instalments), should have the choice between the maintenance of the present arrangement and conversion into new bonds at the rate of 84.24 per cent. of their nominal value. In virtue of this same Decree, bondholders of any other category of the Regency are left the choice between the integral repayment of the capital and conversion to new bonds at par.

This discrepancy of treatment has raised a discussion upon the meeting on the 2nd June of the Tunisian Board of Finance. The majority, composed of Tunisian officials and the French Comptroller, was of opinion that there was no reason for objecting to this, and declined to insert in the Report a reservation put in by the minority composed of the English and Italian Comptrollers.

Matters standing thus, the questions practically offered to the investigation of the Royal Italian Government are the following:—

1. Whether the Governments, which were Contracting Parties in the Agreement of the 23rd March, 1870, have power to modify the conditions therein stipulated with the Tunisian Government without consulting the holders of certificates.

2. Whether granting this power, it would be expedient to exercise it in accepting the proposals of the Tunisian Government, or whether, on the contrary, it would be expedient to insist upon the integral observance of the Agreements of 1870, which would be tantamount to asking for the maintenance of the Financial Commission in order that it may provide also in the future for the accommodation of the certificates of 1870, until their extinction according to the textual conditions of the Agreement of the 23rd March, 1870.

3. Whether, in fine, any suggestion at least may be made in favour of the certificates, in connection with the proposals of the Tunisian Government respecting a complementary guarantee with the view of better insuring the holders against any eventual loss should they not wish to avail themselves of the conversion.

The interests of the Governments of Italy and of Great Britain being in the present matter identical, I have the honour, in pursuance of instructions received from my Government, to resort to your Lordship's courtesy, with the request that you would, if possible, inform me, within a suitable period, how the Queen's Government proposes to act in this business. I have, at the same time, the honour to acquaint your Lordship that the King's Government inclines to believe that, as the Agreement of 1870 was the work of the four Governments without any participation of the interested parties, so the same Governments have power to modify the clauses without obligation to consult the owners of certificates for whose benefit the Agreement was concluded, on the condition, however, that they should be certain that no loss or increased risk should accrue to the said owners in consequence of the proposed innovation.

As on the 19th instant the term for the conversion of the aforesaid certificates will

No. 10*.

Earl Granville to Sir J. S. Layley.

(No. 157.)

Sir,

Foreign Office, July 10, 1884.

WITH reference to my despatch No. 59 of the 29th April, I transmit herewith copy of a despatch which has been received from the French Ambassador at this Court, forwarding a copy of a Convention entered into by the Governments of France and Tunis for the redemption or conversion of the Tunisian debt.*

Her Majesty's Government are awaiting a Report from Her Majesty's Agent in Tunis on this subject; but before expressing their views with regard to the scheme set forth in M. Waddington's note, they would be glad to be informed whether the terms proposed by the French Government for the redemption of the debt are considered by the Italian Government to be in accordance with the rights of the creditors.

I have accordingly to request that you will endeavour to ascertain the views held by the Italian Government on this point, and report to me.

I am &c.
(Signed) GRANVILLE.

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* M. Waddington, July 2, 1884.

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expire, I should be obliged to your Lordship if you would be so good as to acquaint me with the opinion of the Queen's Government at the earliest convenience.

Thanking your Lordship beforehand, I have, &c.

(Signed) NIGRA.

No. 12.

Earl Granville to Mr. Reade.

(No. 13.)
(Telegraphic.)

Foreign Office, July 14, 1884, 5.30 P.M.

MY despatch No. 25 of 1st July.
Do British and Italian Members of Finance Commission object to arrangement proposed by Tunisian Prime Minister in his letter of 8th June? If so, why?
Answer by telegraph.

No. 13.

Mr. Reade to Earl Granville.—(Received July 16.)

(No. 31.)
(Telegraphic.)

Tunis, July 15, 1884.

ITALIAN and British Members of Financial Commission object to arrangement proposed by Tunisian Prime Minister in his letter of 8th June, as being a change or modification of the conditions stipulated in the contract of the 23rd March, 1870, which they do not feel authorized to accept.

No. 14.

Earl Granville to Mr. Reade.

(No. 26.)

Foreign Office, July 16, 1884.

Sir,
WITH reference to your despatch No. 30 of the 24th June, I transmit herewith, for your information and guidance, copy of a note which has been received from the French Ambassador at this Court, stating the views of his Government with regard to the appeal lodged by General Benayad against the award passed against him by the Arbitrators in his claims against the Tunisian Government, and also of a note which I have addressed to his Excellency in reply.*

I am, &c.
(Signed) GRANVILLE.

No. 15.

Earl Granville to M. Waddington.

M. l'Ambassadeur,

Foreign Office, July 16, 1884.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 9th instant, calling my attention to the fact that Hamida Ben Ayad had appealed to the French Tribunals in Tunis against the arbitration award which has been given against him, and requesting that he may receive no countenance or support from Her Majesty's Government in the course which he has thought proper to adopt.

In reply, I have the honour to inform your Excellency that Her Majesty's Government concur in the views expressed in your note with regard to the finality of the award, and it is not their intention to reopen the case or to give Ben Ayad any encouragement or support in his attempts to do so. It is, however, beyond their power to prevent him from applying to the French Tribunals in Tunis for such relief as he may be advised to seek.

I shall not fail to communicate to Her Majesty's Agent and Consul-General in Tunis the views entertained by Her Majesty's Government with regard to this case.

I have, &c.
(Signed) GRANVILLE.

* Nos. 12 and 15.

No. 16.

Earl Granville to Mr. Reade.

(No. 27.)

Sir,

Foreign Office, July 17, 1884.

WITH reference to your despatch No. 20 of the 1st May respecting a piece of ground adjoining the British Protestant Church at Tunis, which is the subject of litigation between the trustees of the church and a French subject, M. Edward Bouquerol, I have to request you to ascertain and report to me whether the case is one which the French Tribunals have power to entertain.

I am, &c.
(Signed) GRANVILLE.

No. 17.

Earl Granville to Count Nigra.

M. l'Ambassadeur,

Foreign Office, July 17, 1884.

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 10th instant, inquiring the views of Her Majesty's Government in regard to certain details of the scheme for the conversion of the Tunisian debt, and I beg to acquaint you, in reply, that I have requested Her Majesty's Agent and Consul-General at Tunis to inform me by telegraph whether the British and Italian Members of the Finance Commission object to the latest arrangement proposed by the Tunisian Prime Minister for dealing with the unpaid coupons of past years, and, if so, on what grounds.

As soon as this Report is received, I will address a further communication to your Excellency on this subject.

I have, &c.
(Signed) GRANVILLE.

No. 18.

Sir J. Drummond Hay to Earl Granville.—(Received July 21.)

(No. 73. Confidential.)

My Lord,

Tangier, July 14, 1884.

AN express courier arrived yesterday from the Moorish Court bringing me a confidential letter, in which I was requested to make known to the writer, for the information of the Sultan, whether I would agree to make arrangements to forward and to deliver into the hands of the President of the French Republic a letter which His Shereefian Majesty desired to address M. Grévy, and to obtain a reply from the latter to His Shereefian Majesty without allowing it to transpire that such a correspondence had taken place.

I replied that it would be contrary to diplomatic usage, and very irregular, for a Representative to undertake to forward the letter of a Sovereign to any foreign Government of which he is not the accredited agent, especially when, as in the present instance, there is a Minister of the French Republic resident at Tangier.

I observed that, if Oid Mohammed Bargash was still in Paris, the Sultan might transmit the letter through him to President Grévy.

I can form no conjecture what may be the subject of the Sultan's communication, but as it would appear that His Shereefian Majesty is especially anxious that his intention of addressing the President should not be known at the French Legation, I conclude that His Shereefian Majesty has received information regarding the proceedings of M. Ordega in connection with the Shereef of Wazan, which His Majesty desires to impart to the French Government.

I learn that the Sultan has signified his intention of increasing the army of Askar, or disciplined troops, to 30,000 men. A large order has been given to the Belgian house of Cockerill for rifles, and some field-guns have been ordered at the Krupp manufactory, and forty Moorish youths have been dispatched to Germany to learn gunnery.

Notwithstanding the peaceful assurances given by M. Ferry to foreign Governments that France has no projects of conquest in Morocco, the late proceedings and conduct of

No. 16*.

Earl Granville to Sir J. Drummond Hay.

(No. 36.)

Sir,

Foreign Office, July 17, 1884.

I TRANSMIT to you herewith certain articles which have recently appeared in the "Globe" newspaper,* purporting to disclose the existence of certain abuses in Morocco with regard to imprisonment for British and other foreign claims. These articles have been brought to the attention of Parliament, and I have to request you to inquire into the truth of the statements therein contained, and to furnish me with a Report on the subject.

I am, &c.
(Signed) GRANVILLE.

M. Ordega, and of his protégé, the Sherref of Wazan, appear to have had such an effect upon the Sultan's mind, that he puts no faith in the continuance of peace for any length of time.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 19.

Sir J. S. Lumley to Earl Granville.—(Received July 21.)

(No. 113.)

My Lord,

Home, July 10, 1884

ON receipt of your Lordship's despatch No. 157 of the 10th instant, containing copy of a note addressed by the French Ambassador to your Lordship on the subject of the Franco-Tunisian Convention for the redemption of the debt of the Regency, I endeavoured to ascertain the views of the Italian Government on the scheme set forth, which had already been brought before the Italian Government by M. Dewais, French Ambassador to the Court of the Quirinal.

I am given to understand that the Italian Government will shortly be able to make me acquainted with their views on the subject, and I shall not fail to transmit any information respecting the same to your Lordship.

I have, &c.
(Signed) J. SAVILE LUMLEY.

No. 20.

Earl Granville to Sir J. Drummond Hay.

(No. 36.)

Sir,

Foreign Office, July 21, 1884.

I HAVE received your despatch No. 60, Confidential, of the 12th ultimo, relative to the steps alleged to have been taken by the Sherref of Wazan in concert with M. Ordega to foment a rebellion against the Sultan of Morocco, which you state may bring about the downfall of the Sultan, and the occupation by France of the country.

With regard to the wish expressed by you to be furnished with the views of Her Majesty's Government as to the course of conduct you should pursue during the existing crisis in Moorish affairs, I have to inform you that the information received since the date of your despatch is of a more reassuring nature; and that I have only to instruct you for the present to continue to watch events, and to endeavour to obtain from His Majesty the Sultan, or from any other source, the earliest information of a reliable nature as to any action on the part of the French and Spanish Governments, or of the Sherref of Wazan, which might afford grounds for a diplomatic representation by Her Majesty's Government.

I am, &c.
(Signed) GRANVILLE.

No. 21.

Earl Granville to Mr. Reade.

(No. 28.)

Sir,

Foreign Office, July 21, 1884.

WITH reference to your despatch No. 20 of the 29th ultimo on the subject of the dispute between General Benayad and M. Oringa with regard to the title to a piece of land in the city of Tunis, at present in the possession of the latter, I have to state to you that in a private claim between two foreigners, it is beyond the power of the Government of the country of which either of the claimants is a subject to compel either claimant to resort to arbitration.

The proper course for General Benayad to pursue would be to consult his lawyers, and take such proceedings, criminal or civil, as may be advised, in order to vindicate his rights.

In the event of his being dissatisfied with the judgment of the French Tribunal in

Tunis, it would be open to him to appeal to the higher Tribunals in Algiers, and as a last resource to Paris.

I am, &c.
(Signed) GRANVILLE.

No. 22.

Earl Granville to Count Nigro.

M. l'Ambassadeur,

Foreign Office, July 21, 1884.

WITH reference to my letter of the 17th instant, I have the honour to acquaint your Excellency that Her Majesty's Agent and Consul-General at Tunis reports that the Italian and British Members of the Tunisian Financial Commission object to the proposed arrangement for the conversion of the Tunisian debt, on the ground that it constitutes a change or modification of the conditions stipulated in the Act of the 23rd March, 1870, which they do not feel authorized to accept.

This objection appears to be only a technical one, and as no representations whatever have been received from the certificate-holders, Her Majesty's Government do not propose to object to the arrangements proposed by the French Government, though, strictly speaking, they cannot admit the right of the Tunisian Government to modify the conditions of the contract of the 23rd March, 1870, without the assent of the Governments who were parties to the establishment of the Finance Commission.

A communication to the above effect will therefore be made to the French Government.

I have, &c.
(Signed) GRANVILLE.

No. 23.

Sir J. C. Lee to Lord E. Fitzmaurice.—(Received July 22.)

My Lord,

48, Gresham Street, London, July 18, 1884.

I ENCLOSE some statements copied from letters received from Cape Juby relating to the capture by the Moors of some Spaniards who were trying to trade on the coast, and who were taken prisoners and held for ransom. As we are told some action will be taken by the Spanish Government, I thought you would like to have our version of the affair.

I have, &c.
(Signed) JOSEPH C. LEE.

Inclosure 1 in No. 23.

Mr. Brookes to Sir J. Lee.

*North-West African Company (Limited), 49, Gresham Street,
London, July 11, 1884.*

Dear Sir,

HEREWITH I send you all the extracts relating to Spanish captives.

I would remind you of the confidential letter addressed to H. Lee, Esq., M.P., and dated the 1st January, 1883, the synopsis of which is as follows:—

1. It refers to past Foreign Office correspondence relating to Cape Juby.
2. Suggests that it might be possible to settle the controversy with Morocco by compromise.
3. Points out that in 1880 the Moorish Government gave Sir J. D. Hay to understand that they would compensate us for buildings, &c., if we would withdraw.
4. Reminds us that the Sultan proposes opening a port north of us, which would destroy our north trade.
5. Sir J. D. Hay suggests a compromise as best for all parties.
6. Sir J. D. Hay suggests that the Company could work with the Sultan.
7. Lord Granville waits the views of the North-West African Company.

The points of our reply were as follows:—

1. We reminded Foreign Office that they promised us that we should not be interfered with.
2. We have an acknowledgment that the Sultan did not lay claim to any sovereignty over our territory.
3. The money we have spent. The place of strength erected to store goods and protect ourselves.
4. The Treaty made, and the good result that followed for the natives.
5. We appeal for a charter or protection, showing how it will become a great port, being the key to the Soudan, coaling station, &c.
6. The Spanish expedition to Porto Consardo.
7. Concludes as follows: "Your Lordship has now had the most salient points laid before you, and the Board of Direction will be glad to give every attention to your advice. If it be desirable to enter into negotiations with the Sultan of Morocco, they are prepared to do so."

I am, &c.
(Signed) A. BROOKES.

Inclosure 2 in No. 23.

Letter received from the Company's Station at Cape Juby, June 9, 1884.

Spanish Captives belonging to the Vessel "Ines."

THIS is a very sad affair, as you will see by the diary report herein inclosed; the troubles and annoyances to us have been endless. In the first moment of our having become acquainted with their capture steps were taken to insure their release, no means were spared, and at last they were liberated on the 1st day of this month. The same day Señor Ponton, the chief man of the expedition, paid us a visit to the Castle, to give us his thanks for what we did for his wife, but seemed very much prejudiced against the late Sheikh's son, Mahdi, who he considered to have shared a great portion of the spoils with the robbers, and that he would carry the matter before the Spanish Government regarding the treatment he had received from the Moors. The vessel "Ines" stopped here for three days afterwards, but it being very bad weather she had been obliged to go to sea. We are expecting her back with Señor Ponton, and will let you know immediately whatever decision or settlement we come to with the Moors.

Inclosure 3 in No. 23.

Letter received from the Company's Station at Cape Juby, June 15, 1884.

Spanish Captives.

WE have nothing more to report about this matter at the present moment. Since the vessel "Ines" went out to sea on account of the rough weather the Sheikh's sons, Mahdi and Mualied, have been molesting us continually with respect to the 300 dollars, and at last, having used so much pressure on us, we have been obliged to give them goods to that amount. We are writing to Señor Ponton, to San Palmas, to settle this matter, and we are confident that he will do so, inasmuch as we have in our possession a letter from him, written to Mr. Ressa, authorizing him to pay for this account any kind of expenses that should be incurred for his release.

Inclosure 4 in No. 23.

Extract from Diary Report of May 25, 1884.

A SPANISH schooner came to anchor about 12 miles to the south. On the 20th, Mbarak, accompanied by his brothers and slaves, went there and was informed that there was on board the schooner a merchant from Madrid [?], with cloth and Morocco

goods. Mbarak told them if they want to trade they must come here and do it in a legitimate way, by paying the usual dues, &c. This did not meet with the approval of some Moors (Oulad Tidvareens) who were there (one of them being the incendiary who is outlawed by his tribe, the Azargucens). An altercation ensued, which ended, it is said, in a fight. Mbarak then returned, after warning the Spaniards to be careful.

Inclosure 5 in No. 23.

Extract from Diary Report of May 28, 1884.

WE are informed that four men belonging to the vessel above have been taken captive by fifteen Oulad Tidvareens and three Azargucens. It is expected that they will be brought here to be ransomed.

Inclosure 6 in No. 23.

Extract from Diary Report of May 31, 1884.

ENGAGED all day negotiating with the Moors. The Spaniards brought all their goods to the Castle, whence they were taken to the factory, where they will remain till the captives are released, which we fully expected would have been effected to-day, but unfortunately procrastination is inherent in the Moors. They cannot agree amongst themselves as to the partition of the spoil, the result being that the poor Spaniards have to remain another night in duance. It is, perhaps, needless to say that they have been relieved of all personal property. Ponton had a gold watch, chain, locket, and ring, also 10 doubloons, on him at the time.

Inclosure 7 in No. 23.

Extract from Diary Report of June 5, 1884.

MR. SPIRIDON came over to the Castle with Mahdi and Mualeed; the two latter wished to know, as the Spanish vessel had gone away, how they were to be paid the 300 dollars that were promised them by Messrs. Ressa and Spiridon, in the presence, and with the concurrence, of Captain Martias J. Reyna, on condition that they would use their influence to procure the speedy release of the captives. Mr. Ressa said that, as the storm increased last night, the brigantine had no doubt gone for shelter either to Lanzarote or Fuerteventura, and that she would probably return when the weather improved.

Inclosure 8 in No. 23.

Extract from Diary Report of May 30, 1884.

EARLY this morning the brigantine came to anchor off the station, and about 7 o'clock the captain came to the Castle to inform us of the capture of some of his people, and to ask us to use our influence to procure their release, which he promised to do.

The brigantine is the "Ines," registered at Barcelona, 104 tons, Captain Martias José Reyna. Their bill of health showed that she left Las Palmas on a fishing expedition. The names of the captives are Eusebio Ponton (the owner of the vessel), Francis de Paula Vidal (the former's nephew), Adolfo Morales (sailor), and Edwards Cohen (a Jewish interpreter from Arrecife).

After breakfast we went on shore to see what could be done for them. At 10 o'clock messengers arrived to say that the captives were on their way here, and that 2,200 dollars were demanded for their ransom. At 2 p.m. they arrived within half-a-mile, where we went and had an interview with the merchant, who told us that he had no more than 1,000 dollars' worth of goods to meet the claim, and expressed a wish that we should advance the remainder. This we could not promise to do, not knowing what security he had to give; and, moreover, we did not like to do so for fear of making a

precedent for any case of the kind that might occur in the future. We trust this will effectually put a stop to this kind of venture, but we promised that we would try to effect their release for the amounts of goods they had on board their vessel, and added that the fact of having weathered the storm for two days, during which time communication was impossible, showed that the Spaniards were not desirous of shirking their responsibility.

When discussing this subject on Monday, Señor Ponton remarked that he noticed the Bairook family not only shared in the spoil, but that the greater part thereof fell to their lot; and he thought it strange that they should now try to make good their claim. He said, however, that he would think the matter over, and would see that Mr. Ressa should not be left in difficulties. In explanation, Malidi said that he only received a 10 per cent. tithe.

Inclosure 9 in No. 23.

Extract from Diary Report of May 28, 1884.

MBARAK left for Wadnoon to get some of his friends to come and chastise those Moors who attacked him the previous day when he was interviewing the Spanish merchant. To-day he returned with fifteen Alt-el-Aasana, whom he met on the way, but found the Moors in question had gone away.

Inclosure 10 in No. 23.

Mbarak to Mr. Mackenzie.

June 30, 1884.

(Translation.)

PRAISE be to God alone!

This to the merchant Mackenzie and the North-West African Company; peace be to you.

Know that some time ago a Spanish sailing-vessel anchored about four hours' journey to the south of Cape Juby. The Spaniards landed and met some of the tribe of Oulad-Tidvareen called El-Husegnat as well as a few of the Zargoyeens, who were told by the interpreter that the owner of the vessel is a merchant from Madrid, who wishes to trade with them in wool, cattle, &c., also it is his object to build a house for trade; on this the Spanish merchant was told to come on shore at any time he pleased in safety, and that they were the Chiefs of the land. After this the natives were taken on board and were shown the goods.

I told the merchant to bring his vessel to Cape Juby, there to arrange matters with the Company's officers, who will not object to his trading in their station; he declined, saying he has already spoken to some Chiefs and is waiting for their return. I warned him, saying the men he met with are robbers, whose design is to take him prisoner, but he would not be persuaded to leave the place.

While we were thus talking a body of Arabs numbering about sixty persons came, and with them Wald-Sidy-Abulcher, some of them fired their guns in our direction, shots being exchanged from both parties, but happily no actual harm was done on either side; we made our retreat to the station, while the Christians went to their vessel. The following day I left Cape Juby to bring a force and punish them for what they had done. I brought with me from El Shbekh where the camp of El-El Janiel is) a large number of men to punish the offenders, but at my arrival at Cape Juby I found matters had taken a different step.

It appears that soon after my leaving the camp of the Tidvareens the Spaniards landed with the intent on of buying some wool that was brought down to the beach; immediately after landing they were captured, their arms, &c. taken, and were led to the tents a little way inland. The vessel came to Cape Juby, and its Captain came to Mr. Ressa informing him of what had occurred, begging him to do something if he can for the succour of his friends.

Mr. Ressa spoke to my brothers Mahdi and Mualeed. They went to the captors, who wished 3,000 dollars for their ransom; after a deal of trouble the Christians were brought to the station to settle the affair at Cape Juby. Mr. Ressa had an interview with the merchant; the result was the Spaniards were to pay all the goods they had on board their vessel, as well as 300 dollars for Mahdi and Mualeed for their trouble, the

following day the goods were delivered to the natives, the Spaniards being set at liberty, and left Cape Juby before my return from El-Shbekeh.

When the natives heard of my arrival at Cape Juby they sent some priests begging me to forgive the offence, at the same time bringing two camels as a peace-offering, of course I could do nothing else but to make my peace with them, and thus the matter ended. Peace.

(Signed)

MBARAK, Son of Shrikh Mohammed Beyrak.

No. 24

Sir J. C. Lee to Lord E. Fitzmaurice.—(Received July 22.)

North-west African Company (Limited), 48, Gresham Street,
London, July 18, 1884.

My Lord,

AS I stated to your Lordship on the 9th instant, our Company is in a very difficult position, for without some recognition and protection from the British Government we feel it useless to struggle further in our attempt to establish a free port for British manufactures on the West Coast of Africa.

Our Company consists of eight persons, three of whom—Mr. H. Lee, M.P., Mr. Robert Scott, and myself—have supplied most of the capital for the enterprise. We have already expended a considerable sum of money, about 60,000*l.* We have assurance of support from the public, but we refrain from accepting help, as we feel we can offer no adequate security for life and property. Our partners are pressing us to dispose of the Company to some Power who will protect their subjects. We have four courses open to us.—

1. To sell the port to Spain, who seem to have the greatest rights, and are desirous of a port on the coast.

I thought also, in case of negotiations for a Treaty of Commerce, a point might be made by giving up our concession to Spain.

2. To France, who we are aware are acting in some way we do not understand. They have considerable dealings with the Moors of the Bahara, as 5-fr. pieces (called French dollars) are constantly offered to us in exchange for goods.

3. To Germany, who have stated they will protect their people wherever they may colonize or form trading stations.

4. To Morocco, who have had every opportunity of coming to terms with us, but are evidently in no position to do so. (See a synopsis of correspondence with the Foreign Office herewith.)

We feel that the place has many advantages—as a coaling station, a port for trade, a harbour of refuge, which could be made by the expenditure of 20,000*l.* We are bound to inform you of our failure under the circumstances described, and to seek your interest in the transfer of our rights to either of the Powers we have named.

I have, &c.

(Signed) JOSEPH O. LEE.

No. 25.

Earl Granville to Viscount Lyons.*

(No. 631.)

My Lord,

I TRANSMIT to your Excellency herewith, for your information, copy of a note which I have addressed to the Italian Ambassador at this Court, stating, with reference to the conversion of the Tunisian debt, that Her Majesty's Government do not propose to object to the arrangements proposed by the French Government †

I am, &c.

(Signed) GRANVILLE.

* Also to Sir J. E. Lamley (No. 163).

† No. 22.

No. 26.

Mr. J. Campbell, M.P., to Lord E. Fitzmaurice.—(Received July 23.)

My Lord,

House of Commons, July 22, 1884.

ON the 2nd May I had the honour of inclosing to you a statement by the Rev. H. O. Reichardt, Tunis, regarding a difficulty with the French authorities there as to a piece of land adjoining the English church.

On the 10th May I was favoured with a reply from the Foreign Office, in which I was informed that the question at issue being one of disputed title to land between private parties, the case can only be adjusted in the competent Tribunals, unless the parties concerned agree to submit the case to arbitration.

I believe that at the date of that reply the communications regarding the case from Mr. Reade, Agent and Consul-General at Tunis, had not reached the Foreign Office.

Mr. Reichardt writes to me that since the date of his first letter full particulars have been sent to the Foreign Office by Mr. Reade, with all necessary documents relating to the case.

I venture to ask if any further reply can now be made.

I would respectfully take the liberty of remarking that, so far as I understand the case, the immediate question at issue is not one of disputed title to land, but as to whether an agreement is to be respected which was entered into by Mr. Reade on the 8th June, 1883, with M. Cambon, the French Minister, and which was to this effect, viz., that neither the English church people, who claim to have received the piece of ground from the President of the Municipality of Tunis before the arrival of the French, nor the person who claims to have purchased it from the French Government, should interfere with the land until the question of ownership was settled.

I understand that this agreement is now being disregarded by the Frenchman who claims to have purchased the land, and who is proceeding to erect buildings on a portion of it.

I have, &c.

(Signed) JAS. ALEX. CAMPBELL.

No. 27.

Sir J. Drummond Hay to Earl Granville.—(Received July 24.)

(No. 74. Confidential.)

My Lord,

Tangier, July 17, 1884.

M. DIOSI ADO returned here in a Spanish vessel of war on the 14th instant. In the course of conversation he informed me that he had been at Paris, and had an interview with M. Ferry, who repeated the assurances already given at Madrid that there was no desire on the part of the French Government to disturb the *status quo* of Morocco, and that even the question of the rectification of the frontier would not be put forward. M. Ferry said that stringent instructions had been given to M. Ordega not to encourage or support the Sherref of Wazan in any attempt to foment insurrection or to resist the authority of the Sultan, that the protection afforded to the Sherref was solely on account of the services he had rendered, and might render, to France in Algeria.

M. Diosi ADO observed to M. Ferry that if it was considered the Sherref, from his spiritual authority, could make himself useful to the French Government in Algeria, it would be preferable if his residence could be transferred to that Colony, as his presence in this country and his intrigues might some day lead to a disturbance of the *status quo*, which he, M. Ferry, desired to preserve. That the Sherref's services to the Sultan as mediator with turbulent tribes, were no longer available, as, being under French protection, his Sherrefian Majesty could not command him, as heretofore, without the previous consent of the French Representative. M. Ferry did not, it would appear, reply to this remark.

M. Ferry expressed to M. Diosi ADO his anxious desire that cordial relations should exist between him and M. Ordega, who, he observed, had always spoken highly of him. M. Diosi ADO replied that, being assured the French Government had no ambitious projects of conquest in Morocco, but desired to maintain the *status quo*, their policy being thus identical with that of Spain, he would be happy to act on all occasions in concert with the French Minister for upholding the authority and independence of the

Sultan; that he had entertained with his colleagues of Great Britain and Italy, especially with the former, intimate and friendly relations, because they had always declared that the policy of their respective Governments was to maintain the *status quo*, and he should now have much pleasure to place himself on the same friendly footing with his colleague of France.

M. Diodado observed to me that he had heard M. Ordega had lately altered the tone of his language and his proceedings with this Government, and that he hoped this state of things would last; but I inferred from the general tenor of his remarks that he apprehended that it would only last so long as it suits the purpose of France. He expressed a hope that I would continue to be as friendly and frank with him in my communications as I had hitherto been. I replied that the fact of his having agreed to act in concert with the French Minister with the view of upholding the independent authority of the Sultan was a source of satisfaction to me, and that he might depend upon my co-operation to attain this object; and I added that it would never enter into my head to alter my conduct or feelings towards him on account of his being on more friendly terms with M. Ordega.

I asked M. Diodado to tell me confidentially what he thought of the article in the "Gaulois," containing the calumnies regarding the foreign Representatives, and the retraction obtained from the editor by a *ci-devant* Spanish diplomatist at Paris regarding himself. M. Diodado replied that he did not doubt that the article in question had been inspired by M. Ordega, or by some one connected with him, and that he was astonished M. Ferry should allow M. Ordega, after what had occurred, to remain as French Representative at Tangier, especially as he had not thought proper to insert in the "Gaulois" the disclaimer which M. Ordega had addressed the editor of that journal, as a kind of satisfaction to the members of the Diplomatic Corps at Tangier, who the public believed had been accused by M. Ordega of dishonest practices.

On mentioning to M. Diodado that I had been falsely accused of having prevented the introduction of improvements and reforms in Morocco, he informed me that M. Cánovas had told him that the French Ambassador at Madrid had put forward a similar accusation against himself, and he had replied that he admitted he had opposed the introduction of improvements through the enterprise of foreign subjects, as it gave rise to increased irregular protection of natives, and to the presentation of unjust and preposterous claims. These two evils, M. Diodado observed, were bringing about the destruction of all government in this country.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

No. 28.

Earl Granville to Sir J. Drummond Hay.

(No. 37. Confidential.)
Sir,

I HAVE received your despatch No. 73 of the 14th instant, marked Confidential, reporting that you had been requested to act as intermediary in forwarding confidential communications between the Sultan of Morocco and the President of the French Republic; and I have to state to you that I approve the answer which you made on that occasion.

I am, &c.
(Signed) GRANVILLE.

No. 29.

Sir J. Pouncefote to Sir J. C. Lee.

Sir, I AM directed by Earl Granville to acknowledge the receipt of your letter of the 18th instant, addressed to Lord E. Fitzmaurice, in which you state that the North-west African Company wish to dispose of the interests they have acquired on the West Coast of Africa.

I am to state to you, in reply, that, as the concession under which the Company enjoys its privileges is not recognized by the Sultan of Morocco, Her Majesty's Govern-

ment cannot possibly comply with the request contained in your letter to give their countenance and support to its transfer to any other Power.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

No. 30.

Earl Granville to Sir J. Drummond Hay.

(No. 38.)
Sir,

I TRANSMIT to you herewith, for your information, copies of a letter which has been received from the North-west African Company, stating their wish to dispose of the interests they have acquired on the West Coast of Africa, and of the reply which I have caused to be returned to their request for the countenance and support of Her Majesty's Government in the transfer to any other Power of the concession under which the Company enjoys its privileges.

I am, &c.
(Signed) GRANVILLE.

No. 31.

The Rev. Newman Hall to Earl Granville.—(Received July 31.)

My Lord,

PERMIT me to ask your Lordship's special attention to the inclosed statement respecting Tangier and Morocco in this day's "Times."

It corroborates all I saw and heard at Tangier last October as regards extortion, trade, and the value of the Consulates and Ministry.

I will not trouble your Lordship with any reply. The kind and prompt notice of my former appeal encourages me in directing attention to this other testimony.

I have, &c.
(Signed) NEWMAN HALL.

Inclosure in No. 31.

Extract from the "Times" of July 30, 1884.

MOROCCO.—Some time ago the Sultan received a considerable amount of new coin from France, and sent it to Taflet for safety, it is said, on account of the unsettled state of the public mind at Meknes, the Governor of Taflet being a relative of his. When called upon to pay for some of the Krupp guns recently ordered from Germany, His Majesty sent for part of his treasure, but the Treasurer refused to comply with the order, and told the Sultan plainly that it was in safe keeping where it was, and therefore it was inexpedient to remove it from there. The Sultan then ordered the Kaida, or local Governors, to take all the grain they could get from the farmers at very low fixed prices, and to sell it to the foreign merchants. This is said to be contrary to the Convention of Madrid, and is a fearful hardship to the poorer cultivators, who are being literally squeezed to death. The Sultan also ordered the Kaida to buy up all the butter they could get and preserve it for troops in the field. This is a shadow of coming events, not now far distant, some say that the end of the "Ramadan," a few days hence, will be the beginning of a civil war. Although the Sultan gets the credit of this system of extortion, it is understood to be the work of his Vizier, who is very unpopular, and, it is said, makes the Sultan do his will.

The most thriving business in Morocco just now is the manufacturing of claims. One plan is said to be this. A "protected" person proceeds to a certain district and sells his services to the Kaid. The "protected" person then proceeds to visit the "mokes" (markets) with two "adools" (notaries). Wealthy persons are there pointed out to him, and their names taken. Papers are drawn up and duly attested by the "adools," and when

next the victims visit the "soko" on business, they are arrested and taken before the Kaid who says that he has been ordered by the Sultan to collect certain claims made by such and such a Legation, and they must pay up at once or go to prison. The victims protest and declare that they have never heard of the claim or claimant before. Then documentary evidence is produced, and iron collars are placed round their necks. These are chained together, and they are marched off to a loathsome dungeon. If this torture has not the desired effect, an iron spike is placed in a socket in the collar, immediately under the chin supporting the head in a most painful position. When the agony can be borne no longer, the victim yields. Sometimes he really has not got the money, and has to resort to the usurer. He is not allowed to export his wheat and barley—his chief movable property, and, without cattle, he cannot till his ground; therefore he holds on to them to the very last. Trinkets, jewellery, and every species of movable property are parted with and, last of all, the cattle are taken, and the rich man is reduced to rags and beggary. I am told on good authority that thousands of acres of abundant crops, now ripe for harvest, will never be gathered for this reason. The people are simply driven to despair, and French protection is the only hope for them at present.

Quite recently five poor fellows came to Tangier to seek French protection and applied to a Frenchman, who demanded a large sum of money down. The poor fellows had not got it, but paid what they could, and gave a bond for the rest, duly attested. The Frenchman then proceeded to enforce the bond. The men were thrown into the prison here in Tangier, where two of them died languish while the other three have been liberated in order that they may raise the money somehow among their friends or from an usurer.

Very recently a number of prisoners, with iron collars round their necks and chained together, were taken from the prison of one of the coast towns to be removed to a prison in the interior, to die of hunger and thirst. They had a chance of living where they had been confined as their wives and sisters could bring them food and water enough to sustain life, but in the interior far away from home and friends, there was absolutely no hope. These were prisoners for debt. Many of them, it is said, were usurers' claims where the original debts, if contracted at all, had been paid twice over, and the claims now pending were for interest upon interest at fearful rates, and these claims are made by "protected" subjects, and enforced by European Legations.

As the mournful procession, with its clanking chains, moved through the gates, women and children, wives, mothers, and daughters, clung to the wretched prisoners in a last, hopeless embrace, but were unmercifully beaten off with sticks by the cruel escort of soldiers, and, bleeding and broken-hearted, were driven to their wretched homes. As the prisoners passed out of the gates, a Moorish official, with streaming tears, was heard to say, "But for the intervention of a kind Englishman I should have been one of the party." He had been liberated through the efforts of the correspondent to the "Globe."

The Kabyle Beni-Mosara, near Ceuta, are in open revolt. They attacked another tribe, and captured 500 head of cattle, but these were afterwards returned at the instance of the Grand Sherceef of Wazan.

Sidi Burgash, the Minister for Foreign Affairs, is still in Paris. He was expected here shortly, but now they say that he must remain where he is for an indefinite period on account of the quarantine arrangements. He is by no means popular here, and I believe many would be glad if he never returned. Cid Torres, the officiating Foreign Minister, is much preferred.

On account of the quarantine arrangements French trade is stopped, and there is a good chance for British merchants. Soap, candles, tea, sugar, matches, and many other things of great consumption here, have gone up very considerably in price, and the stock is very low, while for the same reason there has been a great fall in prices of country produce, usually shipped in great quantities to Marseilles, viz. goat skins, hides, wool, goat's hair, horns, lentils, beeswax, fenugreek seed, garol, peas, gum mandarach, henna, rose-leaves, and tacketont.

Why is it that British trade is so discouraged here? We can supply better tea, sugar, candles, soap, &c., than the French can, and at equally low prices, and we can afford to pay quite as good prices for country produce. We must have an entire change here. English subjects will rather suffer wrong than go to their Consul, who, they say, snubs and bullies them, and increases their difficulties. The entire British trading community in Morocco, without one known exception, unless it be the Jewish traders attached to the Consulate, are full of grievances which I have reason to believe are well grounded. Of what earthly use, then, is our expensive Legation here?

The people here are loudly complaining about the water supply. The old Roman aqueduct, that supplies the fountains in the town, is said to have been tapped on the way to supply property belonging to certain Legations, and partially diverted, and the poor people have to fetch their supply from long distances, and pay for it. This is simply scandalous, considering that we have the best natural water supply in the world; but not less scandalous is the conduct of the Sanitary Committee, composed of the members of the European Legations. A week ago a numerously signed Memorial was presented to them, praying that the town might be cleansed throughout and asking that a Sub-Committee, which was named might be allowed to proceed with the work forthwith, but notwithstanding the urgent and respectful appeal, and the cholera at our very door, no reply whatever has been vouchsafed.

It is reported that the French have wrung from Sidi Burgash a promise of a railway concession, from Tlemcen to Tadia. I hope this is not true. If it is, it will be the beginning of the end.

It is reported that an English steamer is aground about 12 miles from here, near Cape Spartel. Before I close I may have further particulars. The steam-tug "Jackal" has gone to her relief.

No. 32

Earl Granville to Viscount Lyons.

(No. 659.)

My Lord,

Foreign Office, August 1, 1884.

WITH reference to your despatch No. 342 of the 11th June, I transmit to your Excellency copy of a despatch from Her Majesty's Minister at Tangier, expressing his regret that publicity should not have been given to M. Ordega's disclaimer of complicity in the attacks made upon Sir J. D. Hay's character and proceedings in the "Gaulois" newspaper, and stating that he has not received explanations of any kind from M. Ordega himself since his return to Tangier.

Under these circumstances, I have to request you to again call M. Ferry's attention to the matter, and you will urge upon his Excellency the propriety of giving publicity to M. Ordega's denial that he has used the language attributed to him by the "Gaulois."

I am, &c.
(Signed) GRANVILLE.

No. 33.

Earl Granville to Sir J. Drummond Hay.

(No. 30.)

Sir,

Foreign Office, August 1, 1884.

WITH reference to your despatch No. 70 of the 30th June, I transmit to you herewith copy of a despatch which I have addressed to Her Majesty's Ambassador at Paris, requesting his Excellency to urge upon M. Jules Ferry the propriety of giving publicity to M. Ordega's disclaimer of the language attributed to him in the "Gaulois" newspaper with respect to yourself.

I take this opportunity of assuring you that Her Majesty's Government attach no importance to the attacks upon you in certain English and foreign papers, to which you have called attention. They are fully aware of the important services which you have rendered to British interests during your long residence in Morocco, and of the friendly interest which you have ever displayed in the natives of that country; and I have much pleasure in adding that they continue to repose the fullest confidence in your zeal, ability, and discretion.

I am, &c.
(Signed) GRANVILLE.

Earl Granville to Mr. Reade.

(No. 23.)

Foreign Office, August 1, 1884.

Sir, WITH reference to my despatch No. 27 of the 17th ultimo, I transmit to you herewith copy of a letter which I have caused to be addressed to Mr. Campbell, M.P., relative to the English Protestant church at Tunis.

I am, &c.
(Signed) GRANVILLE.

Sir J. Pauncefote to Mr. J. Campbell, M.P.

Foreign Office, August 1, 1884.

Sir, WITH reference to your letter of the 22nd ultimo, I am directed by Earl Granville to inform you that full particulars relative to the litigation between the trustees of the English church at Tunis and M. Ed. Rongerol with respect to the piece of ground adjoining the English church have been received from Her Majesty's Representative at Tunis, and that the case appears to be one between private parties having conflicting claims to the same piece of ground.

The British claimants are the trustees of the English church, and the rival claimant is a Frenchman named Rongerol.

In consequence of the representations made by Mr. Reade to the French Agent, M. Cambon promised to use his good offices to induce M. Rongerol to stop his building operations on the land pending the decision of the question of title by the competent Tribunal (the Shariin), but there was no undertaking on the part of M. Cambon that the building should cease, as he has no power to control the action of M. Rongerol in such a matter, any more than the British Consul-General could control the action of a British subject in a like case.

The only remedy, therefore, left to the trustees is to have recourse to the Tribunal. Owing to the neglect of the trustees who were formerly in possession to inclose this ground in proper time, M. Rongerol obtained possession of it and thereby acquired all the legal advantages which accrue to the person in possession in a suit before the Shariin respecting a title to land, among which is the right of retaining possession until a judgment is obtained against him.

The trustees, however, insist that the question of title ought to be raised by M. Rongerol bringing a suit against them, as they were originally in possession, and they consider him a trespasser.

Neither party, therefore, will commence the proceedings, and M. Rongerol refuses arbitration. The French authorities have no power to compel him to adopt either course, and the matter is consequently at a deadlock.

I am, &c.
(Signed) JULIAN PAUNCEFOTE.

Mr. Reade to Earl Granville.—(Received August 2.)

(No. 23.)

Tunis, August 2, 1884.

(Telegraphic)

ITALIAN Consular jurisdiction ceased to exist on the 31st July ultimo, and is replaced by jurisdiction of French Tribunals.

Sir J. S. Lumley to Earl Granville.—(Received August 4.)

(No. 117.)

My Lord,

Rome, July 23, 1884.

WITH reference to my despatch No. 113 of the 16th instant, wherein I expressed a hope shortly to be able to communicate to your Lordship the views of the Italian Government on the French Project for the redemption of the Tunisian Debt, I have now the honour to inclose translation of a *pro-memorandum* drawn up in the Italian Foreign Office on the subject.

In this *pro-memorandum* the matter for consideration is carefully described, but the Italian Government is awaiting further information from Tunis before coming to a decision on the value of the new guarantees offered.

I have, &c.
(Signed) J. SAVILE LUMLEY.

Inclosure in No. 37.

Pro-memorandum.

(Translation.)

THE French Ambassador at the Court of Her Majesty Queen Victoria having a few days ago transmitted to the Cabinet of St. James copy of a Convention stipulated between the Governments of France and Tunis for the redemption and conversion of the Tunisian Debt, Her Majesty's Ambassador to the Court of Rome has expressed a desire to know if the conditions proposed by the French Government are considered by the Italian Government as in accordance with the rights of the creditors.

From their side, too, His Italian Majesty's Government had had recourse to the British Government to learn the latter's opinion on the same subject. The King's Government is anxiously awaiting fresh explanations of the facts from His Majesty's Agent in Tunis. Meanwhile, in the eyes of the Italian Government, the question is substantially to consider whether the guarantees offered by the Tunisian Government to those holders of 1870 certificates who will not accept the conversion on the conditions offered to them may be taken as quite equivalent to the guarantees which were fixed and agreed on by the "Arrangement" of the 23rd March, 1870.

By the tenour of that "Arrangement" the certificates were to be paid off without interest, by means of drawings by lot, out of the produce of the augmentation of the Tariffs of the Custom-house, an augmentation which raised the dues from 3 to 8 per cent., precisely to fulfil the above clause, while, as a precaution, the administration of these taxes was taken over by the Financial Commission now being dissolved.

In substitution of the above guarantees, the Tunisian Government has now proposed the following:—

Substitution of a control by the Consuls to the control exercised hitherto by the Financial Commission over the punctual assignation of the augmented dues, to the extinction of certificates by means of annual drawings.

Deposit at the Bank of France, after each drawing, of a certificate of Tunisian or French "Rente," of the same value as the certificates drawn, with permission to the Consuls to alienate this new certificate should the whole 8 per cent. of increased import dues not be faithfully devoted to the next extraction.

Are these guarantees equivalent to the former ones?

Such is the question to be examined, and, for its adequate consideration, the Italian Government, as above mentioned, awaits the receipt of fresh explanations of the facts, for the purpose of facilitating the solution of the question.

Rome, July 19, 1884.

Mr. Reade to Earl Granville.—(Received August 4.)

(No. 34.)

My Lord,

Tunis, July 28, 1884.

WITH reference to my despatch No. 30 of the 24th ultimo, on the subject of the arbitration award lately rendered in the case of Benayad's claims against the Tunisian Government and the proceedings that are being taken on appeal against that sentence, I

have the honour to transmit to your Lordship's Office the inclosed copies of two letters of protest which have been addressed to me in connection with those proceedings by General Benayad and his counsel, M. Albert Aicard.

I have, &c.
(Signed) THOS. F. READE.

Inclosure 1 in No. 38.

General Benayad to Mr. Reade.

Tunis, le 23 Juillet, 1884.

M. le Consul-Général,

Le Gouvernement de Sa Majesté Britannique a bien voulu appuyer mes réclamations contre le Gouvernement Tunisien, et m'accorder sa haute protection pour me faire justice.

Une lettre de M. Waddington, Ambassadeur de France à Londres, en date du 20 Décembre, 1883, adressée à Lord Granville, a fixé les bases d'un arbitrage à intervenir entre le Gouvernement du Bey et votre respectable sujet le Général Benayad, et il a été formellement établi que les arbitres n'auraient pas à s'occuper des réclamations antérieures à 1870 qui n'auraient pas été présentées à la Commission Financière.

Vous savez, M. le Consul-Général, que le Gouvernement Tunisien m'avait offert, avant l'arbitrage et pour transiger, la somme de 600,000 fr., et que j'avais refusé ces propositions.

La résiliation des arbitres, M. de Bligny et Dingh, en date à Tunis du 5 Mai dernier, au sujet des termes formels du compromis, et malgré ma protestation, admettant des réclamations du Gouvernement Tunisien remontant aux années antérieures à 1870, m'a condamné au paiement de 738,391 fr. 50 c.

Ce jugement a été frappé d'appel devant la Cour d'Alger; il est également l'objet d'une demande en nullité portée, par voie d'opposition, devant le Tribunal de Première Instance de Tunis.

J'espère, M. le Consul-Général, que vous voudrez bien informer votre magnanime Gouvernement de cet état de choses, contraire à l'équité et aux conventions diplomatiques, et que Sa Majesté Britannique voudra bien continuer à m'accorder sa haute et puissante protection pour la défense de mes intérêts, gravement compromis.

En attendant, je viens, M. le Consul-Général, déposer entre vos mains ma présente protestation, aussi formelle et énergique que possible, contre le Gouvernement Tunisien, pour tous les dommages déjà advenus ou à advenir, me trouvant forcé pour défendre mes légitimes droits de recourir aux voies d'appel et d'opposition devant les Tribunaux compétents.

Veillez, &c.
(Signé) HAMIDA BENAYAD.

Inclosure 2 in No. 38.

M. l'Avocat Aicard to Mr. Reade.

Marseille, Rue Paradis, 43, le 16 Juillet, 1884.

M. le Consul-Général,

CHARGÉ par le Général Si Hamida Ben Ayad de défendre ses droits, profondément lésés par la Sentence Arbitrale du 5 Mai dernier, intervenue à la suite d'un accord diplomatique entre M. Waddington et son Excellence Lord Granville le 20 Décembre, 1883, je viens protester contre la dite sentence, dont la nullité ne saurait faire aucun doute. Un examen des plus minutieux du dossier de l'affaire a formé ma conviction à cet égard, et voici les raisons sur lesquelles je m'appuie :

1. Aux termes de l'accord diplomatique précité, les Gouvernements de Sa Majesté Britannique et de la République Française devaient chacun désigner un arbitre.

L'acceptation par le Général Si Hamida Ben Ayad de cette condition ne pouvait le priver des garanties que lui accorde la loi Française. En effet, l'Article 1006 du Code de Procédure veut "sous peine de nullité" que le compromis désigne le nom des arbitres. Cette mesure de prudence et d'équité se justifie d'elle-même. Lorsqu'un particulier consent à confier à un particulier son honneur, sa fortune, l'avenir de ses enfants, il faut qu'il sache quel sera son juge afin de faire valoir, s'il y a lieu, son droit de le récuser pour des motifs plausibles.

Dans le cas qui nous occupe, la dérogation au texte de nos lois a d'autant plus d'importance que M. de Bligny, dont je n'entends nullement mettre en cause la parfaite honorabilité, ne réunissait pas les conditions indispensables pour remplir les

fonctions d'arbitre. Attaché au Ministère des Affaires Étrangères par des liens directs, il reçoit un traitement, il est son subordonné, et il lui est difficile, sans s'exposer à des désagréments très graves, de heurter de front son chef hiérarchique qui, de longue date, s'étant déjà officiellement prononcé contre le Général Si Hamida Ben Ayad, comme l'avait fait aussi son Excellence M. le Ministre Résident de France en Tunisie. De plus, circonstance aggravante, c'est à la Mission de France à Tunis qu'est descendu M. de Bligny, c'est là qu'il a reçu l'hospitalité complète, c'est à cette Mission qu'ont été transportés tous les documents du procès, c'est dans ce milieu hostile que se mouvait sans cesse l'arbitre Français, c'est cette influence qu'il subissait sans cesse, involontairement peut-être, mais d'une façon incontestable; enfin, comme dernier trait, c'est le Chancelier du Consulat Général de France qui a tenu la plume pour la rédaction de la sentence.

Il y a donc eu violation manifeste non seulement du texte de la loi, mais aussi de son esprit, qui exige pour le juge arbitral, l'indépendance la plus complète dans toute l'étendue de sa portée.

On ne peut valablement opposer au Général Ben Ayad que le fait d'avoir subi la nomination de M. de Bligny est tant adhésion, sa situation était trop délicate, trop périlleuse, pour qu'il se risquât à protester contre le choix de l'arbitre imposé; il avait mieux attendu le dénouement et se réserver, c'était son droit, et il en a usé.

2. Sous peine de nullité encore, aux termes du même Article 1006 du Code de Procédure, le compromis doit désigner les objets en litige; or, le compromis n'a jamais fait mention des réclamations introduites subrepticement par le Gouvernement Beylical, alors que les arbitres fonctionnaient et déjà, le Général Ben Ayad, vous le savez, M. le Consul Général, n'a pas marqué de protester contre cette introduction forcée qui dénaturait complètement et les conditions du compromis et le but de l'arbitrage.

3. L'arbitrage dont il s'agit, réglé, quant à sa portée, par les termes mêmes de l'accord diplomatique intervenu entre son Excellence Lord Granville et M. Waddington, avait pour but unique de statuer sur certaines réclamations le particulier de l'Etat, l'Anglais contre le Gouvernement Beylical, il faisait une faveur exceptionnelle, considérable, au Gouvernement Beylical, en interdisant de présenter toute réclamation antérieure à 1870 contre le Gouvernement du Bey, sur laquelle la Commission Financière Internationale se serait déjà prononcée, mais il ne donnait, dans aucun cas, le droit au Gouvernement Tunisien de présenter devant les arbitres une réclamation quelconque contre un sujet de Sa Majesté Britannique, attendu que toutes les voies légales étaient restées ouvertes, dans le passé, comme dans le présent, à l'administration locale pour exercer ses revendications.

D'ailleurs, n'est-ce pas ce que vous savez, M. le Consul-Général, que jamais le Gouvernement Beylical n'avait et ne contre le Général Ben Ayad, devant une juridiction quelconque, une réclamation en paiement de sommes dues; loin de là, au moment où la général exerçait lui-même son recours par l'intermédiaire de votre Mission, il est de notoriété publique que le Gouvernement de Son Altesse lui avait fait offrir une indemnité de 500,000 fr. s'il voulait renoncer à ses demandes.

Les délais fixés par la loi Française pour le recours devant les Tribunaux d'Appel étant très courts, j'ai dû, pour en assurer le bénéfice à mon client, tout en faisant former opposition à l'Ordonnance d'Exequatur devant le Tribunal de Tunis dont le Président a rendu la dite Ordonnance et qui s'est à statuer en premier ressort sur la question de la Sentence Arbitrale, faire aussi interjeter appel devant la Cour d'Alger sur les questions de fond jugées dans la susdite sentence, dont les solutions me paraissent devoir être, le cas échéant, complètement modifiées par la juridiction supérieure.

Néanmoins, j'entends, dès aujourd'hui, faire les réserves les plus formelles en faveur du Général Ben Ayad, pour lui assurer, en tout état de cause, son recours à la voie diplomatique, pour le redressement d'une sentence complètement nulle, puisque les juges-arbitres ont outrepassé leurs pouvoirs, et que les conditions de sa validité prévues par la loi, en ce qui concerne la constitution des arbitres, ont été méconvenues.

En conséquence, je vous prie, M. le Consul-Général, en prenant acte de la présente protestation, de vouloir bien m'en accuser réception; je vous serais également obligé d'en faire parvenir copie au Gouvernement Beylical et au Gouvernement de Sa Majesté Britannique qui continuera, je n'en doute pas, au Général Ben Ayad, son sujet, sa bienveillante protection pour une cause si digne d'intérêt et qui se recommande plus que jamais à votre bienveillante sollicitude.

Veillez, &c.
(Signé) ALBERT AICARD,
Avocat, Ancien Bâtonnier.

M. Waddington to Earl Granville.—(Received August 4.)

Londres, le 2 Août, 1884.

M. le Comte,

PAR une note en date du 16 du mois dernier vous avez bien voulu m'assurer que le Gouvernement de la Reine avait les mêmes vues que le Gouvernement de la République sur l'appel interjeté par Hamida Ben Ayad contre la Sentence Arbitrale dont il a été récemment l'objet.

Votre Seigneurie ajoutait que le Gouvernement de Sa Majesté s'abstiendrait de donner encouragement ou appui à Ben Ayad dans cette procédure, et que le Consul-Général de Grande-Bretagne à Tunis recevrait des instructions dans ce sens.

Mon Gouvernement, auquel j'avais fait part de ces assurances, vient d'apprendre avec une pénible surprise que Mr. Rende a signifié au Gouvernement Tunisien un Mémoire de protestation avec réserve de recours à la voie diplomatique, au sujet de la Sentence Arbitrale prononcée contre Ben Ayad.

Il est superflu d'insister sur la nature de ce procédé, votre Seigneurie reconnaît, j'en suis certain, qu'il est en contradiction absolue avec les termes de l'accord intervenu entre les Gouvernements de Grande-Bretagne et de France, et j'ai la confiance qu'elle rappellera sans retard son Agent à Tunis au respect des instructions qu'il a reçues.

Veuillez, &c.

(Signé) WADDINGTON.

Sir J. Drummond Hay to Earl Granville.—(Received August 5.)

Tangier, July 30, 1884.

(No. 75.)

My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 56 of the 21st instant, replying to my despatch No. 60 of the 12th ultimo, relative to the steps alleged to have been taken by the Sherreef of Wazan, in concert with M. Ordega, to foment rebellion against the Sultan of Morocco, and acquainting me that, as the informant on received since the date of the above-mentioned despatch is of a more reassuring nature, your Lordship has only to instruct me to watch events and to afford your Lordship the earliest information of a reliable nature as to any action on the part of the Sherreef of Wazan or of the French and Spanish Governments which might afford grounds for a diplomatic representation on the part of Her Majesty's Government.

Your Lordship will have learnt from my despatch No. 58 of the 29th ultimo that the Sherreef of Wazan and M. Ordega have altered both their language and conduct since the return of the latter from Paris, and I am informed that M. Ordega has declined to interfere with the local authorities in behalf of some adherents of the Sherreef who had hoped to obtain French protection.

On the other hand, I have received a letter from the Vizir, of which I have the honour to inclose a translation, informing me that the attention of the Government is so occupied with the remedial steps which have been taken to restore tranquility in consequence of the agitation produced by the proceedings of the Sherreef that they were unable to turn their attention to the revision of the Convention of Commerce, which I have pressed upon their notice.

A force which I believe consists of about 5,000 men, cavalry and infantry, has arrived, and is encamped within 20 miles of Tangier. These troops are placed at the disposal of the Basha of this province, Kaad Abdul Saduk, who has orders to chastise and impose a heavy fine on the inhabitants of some thirty villages of the district of Angera, who had evinced about three months ago a rebellious spirit, having refused to allow the Sultan's name to be mentioned in their mosques, and had substituted in their prayers the name of the Sherreef of Wazan.

They had also driven off the troops sent by His Shereefian Majesty to their villages to arrest the rebellious Chiefs, and eight of these villagers, who had lately come to Tangier to confer with the Sherreef, were arrested, and have been sent in fetters to the Court. The Sherreef sent a message to the Basha of Tangier demanding their release,

but it was refused, and M. Ordega, when appealed to, as I understand, by the Sherreef, declined to interfere.

I am informed that the inhabitants of Angera, though a warlike tribe, will not show any resistance to the Sultan's troops, and that a deputation is about to proceed to the camp of the Sultan's troops to sue for pardon, and to declare their readiness to submit to His Majesty's orders.

I do not expect that the Basha of Tangier will be disposed to grant their petition. I am told that he will require they deliver a number of hostages who will be sent to the Court, and a very heavy fine will be imposed on the district.

Orders, it is said, have been given also to the Commanders of the forces to proceed to other districts to chastise the insubordinate who had sent deputations to the Sherreef of Wazan offering their allegiance.

The Sherreef of Wazan has fallen latterly in the estimation of the Mohammedan population. When he passes through the streets of Tangier little or no mark of respect are shown, as was wont before he obtained French protection.

It is reported that the Sultan has sent a Circular to the Governors of the provinces directing that they are not to admit as heretofore, the mediation of the Sherreef of Wazan in behalf of tribes who have incurred the displeasure of the Government.

I do not at present foresee that any fresh disturbances are likely to occur, but I desire to add that, though I applied for leave of absence in a recent despatch, I am quite ready, should your Lordship consider that my presence is desirable at Tangier under present circumstances, to remain at my post.

I have, &c.

(Signed)

J. H. DRUMMOND HAY

Inclosure in No. 40.

Letter addressed by the Vizir to Sir J. Drummond Hay.

(Translation)

(After the usual preamble.)

WE received your letter requesting that the persons appointed to negotiate with you the revision of the Convention should be sent to Tangier, and that one of them should be Cid Abdelam Ahardan, an inhabitant of Tangier, as you consider him to be an able, intelligent, and trustworthy person.

We communicated to His Sacred Majesty your letter, and he has taken what you say into consideration, and directed us to reply and to remind you that the time is now occupied incessantly in seeking to correct the disorders produced by the Wazany,* such as the employment of a Kharchi (Lieutenant to govern at Wazan, and the disaffection brought about by him, amongst the inhabitants of the village Ain Hamra of Angera, and their consequent insubordination to their Governor, so much so that they refused to deliver that which is due from them, and amongst these that which is owing on account of the robbery of the house of your clerk, N. veda. They repudiated the troops sent by the Governor to be quartered upon them to establish order. In consequence of these proceedings, a force has been dispatched to encamp in their district, and to chastise them for insubordination. Amongst other fractions committed by him (the Sherreef of Wazan) is that he has interfered with the action of the Governors, in behalf of persons who do not belong to his (the Sherreef's) farms, and therefore he has no right of interference. One of his (the Sherreef's) regular acts has been to appoint an "Emkandem" (a Chief) in his farms, and that this person is told to collect tithes and taxes, and to deliver the proceeds to him, and that he should then deliver them to the Governor. Whereas the arrangement entered into through before with His Shereefian Majesty, amongst which was that he should be treated with honour and respect, but that the people employed in his farms should be under the jurisdiction of the Governor of the districts where they dwell, and that they should be under the Governor's control, and that he (the Governor) should collect the tithes and taxes from them.

When these irregular proceedings have been corrected and put a stop to, with God's help, the Commissioners shall be sent, and Ahardan shall be appointed to act with them.

* The Sherreef of Wazan. The Sultan no longer calls him a Sherreef.—J. H. D. H.

Make your mind easy on this subject, O esteemed friend; we are sure you will understand the excuse we have now offered, and will accept it.
Peace.

(Signed) MOHAMMED BEN ALARBY BEN MOKTSAR.

No. 41.

Vicount Lyons to Earl Granville.—(Received August 7.)

(No. 461)

My Lord,

I HAVE the honour to inclose a copy of a note verbale in which, in execution of the instruction conveyed to me by your Lordship's despatch No. 639 of the 1st instant, I have again pressed M. Jules Ferry to give publicity to M. Ordega's denial that he used the unwarrantable language respecting Sir John Drummond Hay attributed to him by the "Gaulois."

I have, &c.
(Signed) LYONS.

Inclosure in No. 41.

Note Verbale.

IN the month of May last very disparaging and unwarrantable assertions respecting Sir John Drummond Hay, Her Majesty's Minister in Morocco, appeared in the "Gaulois" newspaper, and were accompanied by a statement that they had been made by M. Ordega, the French Minister in Morocco, to his Excellency M. Jules Ferry.

In a note verbale which M. Jules Ferry did Lord Lyons the honour to communicate to him on the 10th June last, in answer to a similar note which Lord Lyons had addressed to his Excellency on the 26th of the previous month of May, a telegram from M. Ordega contradicting the statement in the "Gaulois" was recited.

This telegram had been sent by M. Ordega with a view to its being inserted in the "Gaulois."

M. Jules Ferry, however, said that he entertained no doubt that M. Ordega had already expressed to his colleagues at Tangier his surprise and regret at the language which had been attributed to him, and given them every desirable explanation, and his Excellency thought that the publication of the telegram would serve only to revive an unpleasant discussion.

It appears, however, that Sir J. Drummond Hay has not received explanations of any kind from M. Ordega.

In these circumstances Lord Lyons is instructed to ask again M. Jules Ferry's attention to the matter, and to press upon his Excellency's consideration the propriety of giving publicity to M. Ordega's denial that he used the language attributed to him by the "Gaulois."

Paris, August 6, 1884.

No. 42.

Memorandum by Sir G. Dallas on the Establishment of the North-West African Company at Cape Juby.

My Mackenzie,
January 17, 1878

To Mr. Mackenzie,
October 3, 1876.

To Sir J. D. Hay,
No. 2, Slave Trade,
May 17, 1879

IN January 1878, Mr. Donald Mackenzie announced his intention of establishing a commercial and missionary station at Cape Juby, north-west coast of Africa, opposite the Canary Islands.

Her Majesty's Government declined to give any support to his undertaking, but sanctioned Consul Dundas going with him in a private capacity.

A Report of Mr. Mackenzie's proceedings at Cape Juby was communicated to the Office on the 25th January, 1879.

Difficulties were subsequently thrown in Mr. Mackenzie's way by the authorities of the Canary Islands, in consequence, it was said, of representations made by the Moorish Government to the Spanish Government, and Sir J. D. Hay was instructed "to point

out to the Moorish Government that the place where Mr. Mackenzie is conducting his operations being beyond their jurisdiction, the Maroccan authorities have no right to molest him," and he was to press for the withdrawal of any orders which might have been issued, tending to interfere with the action of a British subject outside the boundaries of Morocco.

In answer to inquiries made at Madrid, the Spanish Minister said his impression was that the purport of the instructions sent to the Canaries was not to facilitate an undertaking which he considered was at variance with the interest which Spain and Great Britain had in upholding the independence of the Sultan of Morocco.

In a letter dated the 9th June, 1879 Mr. Mackenzie forwarded copy of a Charter of Concession and terms of agreement entered into between himself and Sheikh Mohammed Bairook.

The Moorish Government addressed a remonstrance to Sir J. D. Hay on the ground that Bairook, though a rebel, dwelt in Wad Noon, and was a subject of the Sultan.

Sir J. Hay pointed out to the Moorish Minister that Wad Draa was the limit usually assigned as the southern boundary of Morocco, and that it would be unwise for the Sultan to claim sovereignty over distant districts in the vicinity of Cape Juby, and he added that he did not suppose that either the British or any other foreign Government would admit such a pretension.

In answer to an inquiry made by the Spanish Government, our Minister at Madrid was told that no official countenance was afforded to Mr. Mackenzie's expedition, but that the place where he was trading was beyond the limits of Morocco, on an independent part of the coast, where he was free to trade without molestation from any foreign Power.

Mr. White, the British Chargé d'Affaires at Tangier, was told in September 1879, with reference to a claim put forward by the Sultan to the country south of Wad Draa, inhabited by Mussulman tribes, not subject to another Sovereign, that Her Majesty's Government could not admit the pretension of the Sultan of Morocco to sovereignty over regions south of Wad Draa, only on the ground that the populations name him in their prayers.

Towards the close of 1879 Mr. Mackenzie formed his business at Cape Juby into a Limited Liability Company, under the style and title of "The North-West African Company (Limited)." Difficulties soon after arose with the natives, and a wooden building erected by the Company was burnt down.

This change in the attitude of the natives was attributed to secret emissaries sent by the Sultan of Morocco, who feared, it was said, that a successful trading establishment at Cape Juby would divert trade from Mogador.

A change of Government took place in England in 1880, and in February 1881 Mr. H. Lee, M.P., addressed Sir C. Duke, inquiring how far the Company might reckon on the support and assistance of Her Majesty's Government.

In reply, the following letter was addressed to him:—

"Mr. Lister to Mr. Lee, M.P.

"Sir,

"I am directed by Earl Granville to inform you that he has had under his attentive consideration during the last few months, in communication with Her Majesty's Representative in Morocco, the subject of Mr. Mackenzie's operations at Cape Juby on behalf of the North-West African Trading Company, and also the various questions submitted by you in your letter to Sir Charles Dilke of the 2nd September last.

"In reply to the inquiries made by you in that letter respecting the grant of a Royal Charter to the Company and other matters, I am to state, in the first place, that the reports received from time to time at the Foreign Office have convinced Lord Granville that the proposed undertaking is calculated to arouse feelings of animosity in the Sultan and among the local and neighbouring Chiefs under his influence, and that its prosecution could be fraught with great peril to British life and property.

"For this reason it has never received any encouragement or support from Her Majesty's Government or their predecessors. The burning of Mr. Mackenzie's house in June last in Morocco, who claims the sovereignty over Cape Juby, and they have therefore

learned the Sultan that he would be held responsible by them for any injury to the life and property of British subjects occasioned by attacks directly instigated by the Moorish

Mr. West, No. 19,
Slave Trade,
May 29, 1879

Sir J. D. Hay,
No. 26, May 28,
1879.
Ditto, No. 3, Slave
Trade, June 6,
1879.

To Mr. West,
telegraphic, July 5,
1879.

To Mr. West,
No. 2, Slave Trade,
September 24,
1879.

Statement com-
municated August
10, 1880.

To Mr. Lee,
February 4, 1881.

"Foreign Office, February 4, 1881.

Government; but, under present circumstances, Lord Granville would not feel justified in entertaining an application for a Royal Charter to the Company.

"With respect to your inquiry, whether Her Majesty's Government will prevent Spanish ships and merchants from resorting to Cape Juby for the purposes of trade, I am to inform you that Her Majesty's Government cannot claim the right to exercise such a power.

"As regards the amount of protection which would be extended to the Company, should they continue their operations at Cape Juby, I am to state that much depends on the nature of the protection required and the circumstances under which it is invoked. Her Majesty's Government cannot, therefore, in the present case, pledge themselves by anticipation to any course of action, but the Company may rest assured that all reasonable efforts will be made by Her Majesty's Government to protect British subjects in the territories in question from the dangers to which they may be exposed at the hands of the native Chiefs.

"I am, &c.
(Signed) "T. V. LISTER."

Sir J. D. Hay,
No. 6, Confidential,
Free Trade,
April 22, 1881.

In April 1881 Sir J. D. Hay sent home the translation of an original letter (which had come into his possession) from the Sultan, thanking the tribes of Azarkeen for the services they had rendered by "burning the place they mention," and stopping the traffic with that place, and urging them to continue to do all in their power to prevent trade on the coast with foreigners.

Annually,
February 1, 1882.

Her Majesty's ship "Espiegle" visited Cape Juby towards the close of 1881. Her Captain, in his Report, said that a *bona fide* attempt to open trade had been made, but that the business done by the Company appeared to be very insignificant, and that the place was not a good site for a maritime trading station.

To Mr. Lee, M.P.,
August 9, 1882.

Sir C. Dilke reminded Mr. Lee in August 1882 that Her Majesty's Government had assumed no responsibility with regard to the Cape Juby Settlement, and had often warned British subjects that if they go to uncivilized and savage countries, it must be at their own risk and peril; but on learning from one of Consul Payton's despatches from Mogador that a Moorish expedition had been sent towards Cape Juby, Her Majesty's Charge d'Affaires at Tangier was instructed to warn the Sultan against committing or sanctioning any attacks on British property at Cape Juby.

To Mr. White,
No. 4, Confidential,
August 29, 1882.

There is a Memorandum by Sir E. Hertslet, drawn up on the 12th November, 1881, in which he supports the contention that the Wady Draa, about a day's journey south of Wad Noon, is the southern boundary of Morocco.

Sir J. D. Hay,
No. 136,
December 19, 1882.

The Moorish Government kept on, however, complaining that Cape Juby was their territory, and that the Company's acts were illegal, and Sir J. D. Hay suggested in December 1882, that the controversy might possibly be settled by a compromise, by virtue of which compensation for the outlay incurred would be paid by the Moorish Government upon the withdrawal of the Company.

He pointed out further that if the site at Cape Juby were handed over to the Sultan's authorities arrangements might perhaps be made for permitting the Company to carry on trade there subject to the Tariff dues, which would be levied according to existing Treaties by the Sultan's Customs officers, who would be ordered to proceed there.

To Mr. H. Lee,
January 1, 1883
From ditto,
January 20, 1883.

These suggestions were communicated confidentially to Mr. Lee. He replied in a letter full of misstatements, and suggested that a Royal Charter should be given to the Company, but ended by saying that the Directors would give every attention to Lord Granville's advice.

It was thought better not to continue the controversy, and no reply was returned to this letter.

To Mr. Lee,
February 7,
From ditto,
May 31, 1883.

He appears, however, to have had an interview with Lord Granville, but there is no record of what passed on the occasion.

A few months later Mr. Lee reverted to the subject, and asked whether the Foreign Office would recommend that the Company should enter into negotiation through Sir J. Hay with reference to the suggested compromise.

To Mr. Lee,
June 26, 1884.

Lord E. Fitzmaurice informed him in reply that "Sir J. Hay would no doubt be happy to assist the Company in opening negotiations with the Sultan for the sale of their establishments and any rights which they may possess at Cape Juby, should the Company desire it, but Lord Granville can express no opinion as to whether such a course is expedient or not in the interests of the Company."

The Sheikh Mohammed Bairook having recently died, his brother Abideen would

"Supposed to be the wooden store of Mr. Mackenzie at Cape Juby.

Bairook submitted proposals to the Managing Director of the Company at Cape Juby North-west for a new Agreement, to supersede the one originally concluded with his brother, African Company. threatening, if the new terms were not agreed to, to force the Company to leave Cape Juby, either by fair means or force. April 23, 1884.

Abideen was said to be acting under orders from the Sultan, who hoped by harassing the British subjects at Cape Juby to induce them to abandon their factory.

The Company's letter communicating these proposals was submitted to Sir J. D. Hay for his observations, and he was at the same time instructed to again warn the Sultan against committing or sanctioning any attacks on British property at Cape Juby. To Sir J. D. Hay, No. 20, May 9.

Sir J. D. Hay replied that, from the character of the propositions made by Abideen, he was not inclined to believe that they emanated from the Sultan. He repeated the warning previously given to the Moorish Government, and communicated to them the substance of the Company's complaints. Sir J. D. Hay, No. 34, May 26.

On the 18th ultimo Sir J. Lee wrote to Lord E. Fitzmaurice that without some recognition or protection from the British Government they were disposed to abandon their attempt to carry on trade at Cape Juby, and that the following four courses were open to them:—

"1. To sell the port to Spain, who seem to have the greatest rights, and are desirous of a port on the coast.

"I thought also, in case of negotiations for a Treaty of Commerce, a point might be made by giving up our Concession to Spain.

"2. To France, who we are aware are acting in some way we do not understand. They have considerable dealings with the Moors of the Sahara, as 5-fr. pieces (called French dollars) are constantly offered to us in exchange for goods.

"3. To Germany, who have stated they will protect their people wherever they may colonize or form trading stations.

"4. To Morocco, who have had every opportunity of coming to terms with us, but are evidently in no position to do so. (See a synopsis of correspondence with the Foreign Office herewith.)

"We feel that the place has many advantages—as a trading station, a port for trade, a harbour of refuge, which could be made by the expenditure of 20,000 fr. We are bound to inform you of our failure under the circumstances described, and to seek your interest in the transfer of our rights to either of the Powers we have named."

In reply, Sir J. C. Lee was informed that as the Concession under which the Company enjoys its privileges, is not recognized by the Sultan of Morocco, Her Majesty's Government cannot possibly comply with the request that they should give their countenance and support to its transfer to any other Power. July 28, 1884.

Foreign Office, August 7, 1884.

G. D.

No. 43.

Earl Granville to Mr. Rendel.

(No. 30.)
Sir,

I HAVE received your despatch No. 34 of the 28th ultimo, inclosing two letters of protest, one by General Benayad and the other by his counsel, against the decision of the arbitrators in the matter of the General's claims against the Tunisian Government.

On this matter, I have only to refer you to my despatch No. 20 of the 16th ultimo, inclosing copies of my correspondence with the French Ambassador at this Court respecting the arbitration awards.

I am, &c.
(Signed) GRANVILLE.

Earl Granville to Mr. Reade.

(No. 31.)

Sir,

I ENCLOSE a copy of a letter which I have received from the French Ambassador at this Court,* referring to information which has reached his Government, to the effect that you have signified to the Bey a protest against the recent decision of the Arbitrators in General Benayad's case, reserving all rights of diplomatic action, and have to request that you will report to me without delay, whether the facts are correctly stated in M. Waddington's letter, and, if so, upon what grounds you have felt yourself justified in taking such a step without instructions.

I am, &c.
(Signed) GRANVILLE.

No. 45.

Earl Granville to M. Waddington.

M. l'Ambassadeur,

I HAVE the honour to acknowledge the receipt of your Excellency's letter of the 2nd instant, in which you state that your Government has learnt that Her Majesty's Agent and Consul-General in Tunis has signified to the Bey a protest against the sentence pronounced by the arbitrators in General Benayad's case, reserving all rights of diplomatic action.

I shall lose no time in calling upon Mr. Reade for a report on this matter, upon the receipt of which I shall do myself the honour of again communicating with your Excellency.

I have, &c.
(Signed) GRANVILLE.

No. 46.

Sir J. Drummond Hay to Earl Granville.—(Received August 11.)

(No. 77.)
My Lord,

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 35 of the 17th instant, transmitting three articles from the "Globe" newspaper of the 10th, 11th, and 12th July relative to the existence of certain abuses in this country with regard to imprisonment of Moorish subjects for British and other foreign claims. Your Lordship informs me that these articles have been brought to the attention of Parliament, and directs that I inquire into the truth of the statements therein contained, and furnish your Lordship with a Report on the subject.

Before I received your Lordship's despatch, or was aware that any question had been put in Parliament, I addressed your Lordship a despatch No. 14, Consular, recommending that Consul Payton should be authorized to proceed to Daralbaida to institute an inquiry into the conduct of Mr. Lapeen, the Vice-Consul at that port, with regard to the cases referred to in the "Globe" and other proceedings, which had been brought for the first time under my knowledge by Captain Rolleston who, I understand, is the writer of these articles, on the 12th [?] last. I took this step as I did not consider the explanations which Mr. Lapeen had offered were of a sufficiently satisfactory character.

Under these circumstances, whilst awaiting your Lordship's reply, I abstain from offering an opinion regarding the cases of injustice which the writer of the articles in the "Globe" discloses. I think it right, however, to afford your Lordship the following information.

The widow of one of the Jewish debtors to Mr. Lapeen named Meriam Azalay, who had been arrested at Rabat and sent a prisoner to Mequinez, was permitted by the authorities of that city, on giving surety for her return to prison to come to Tangier to appeal to me, not only as regards her own case, but also on behalf of eight other Jews, debtors to Mr. Lapeen, who had been sent in fetters from Rabat to Mequinez. On

* No. 29.

hearing this woman's narrative and appeal, I sent her back to Rabat with a letter to the Vice-Consul at that port, instructing him to inquire how it came to pass Mr. Lapeen had prosecuted the widow for the debts of her late husband, and I expressed the opinion that if she had not inherited property from the deceased she could not be required to pay his debts or be prosecuted on that account. I informed the Moorish Minister of the step I had taken, and requested that he should inform the authorities at Mequinez that I had decided she should not return to Mequinez, but should be set at liberty. I further requested Hadj Mohamed Tress to select the authorities at Mequinez to send the eight Jewish debtors to Rabat, where they were arrested, on account of monies alleged to be due to Mr. Lapeen, in order that their cases should be investigated by the Vice-Consul, Mr. Frost, in concert with the Governor of that town. I have since been informed that these prisoners have arrived at Rabat.

I take this opportunity of mentioning to your Lordship that having brought under the notice of the Sultan that the son of the widow Meriam had been murdered two years ago in the district of Zaïr, where His Sheressian Majesty has little or no power of control, and that the unfortunate woman was in great distress, His Sheressian Majesty, in consideration of my appeal, sent through me an order that 200 should be given her.

The statement made in first paragraph of article No. 1 of the "Globe" of the 10th July regarding pecuniary claims, which were put forward in the first place by the French Minister, and stating that a settlement had been enforced upon this Government, and subsequently that the Representatives of other Powers required that persons under their protection should be placed on an equal footing with the French, is perfectly correct. There is much truth also in all that the writer states in the same article of the evils which result from the usurious practices of some of the creditors, foreign as well as protected Jews, and of the irregular proceedings adopted by Moorish authorities in the prosecution of natives who are debtors to persons under foreign protection. On the other hand, it must be admitted that of late years there are many and various instances of bankruptcy and other malpractices, in which they have been not infrequently aided and abetted by the Moorish authorities.

In the second paragraph of article No. 1 the writer observes: "Among the many abuses which exist in this country connected with the Diplomatic and Consular systems of those nations which have relations with Morocco, few are productive of such gross and widespread evils as those which result from employing unpaid Vice-Consular Agents in the different towns. These persons are, I think I may say without exception, engaged in trade of some kind, and have the power, if they have the will, to use their official position for the advancement of their own business affairs, and to the prejudice not only of other non-official traders, but to the serious detriment of the natives with whom they may have commercial dealings. This fact may be readily understood when it is remembered that the wicked misgovernment and subjects of this country have practically no appeal against the most arbitrary acts or the most shameful injustice committed by the European who enjoys Vice-Consular authority."

I entirely concur with this opinion, and when Her Majesty's Government decided upon abolishing paid Vice-Consuls at the Moorish ports, I pointed out the evil results which would attend on the employment of unpaid Consular officers selected from persons engaged in trade who become the judicial authority for settling all questions between Moorish and British subjects. These unpaid Vice-Consuls were abolished by Her Majesty's Government, as it was considered that the frame of the ports, were they were established, was not of sufficient importance to justify the outlay.

With reference to the system of unpaid correspondence expressed the opinion that in a semi-barbarous country like Morocco, where British subjects are placed under the jurisdiction of Consular officers, the aggregate amount of British trade should not solely be taken into consideration when there is a question of appointing a paid or unpaid Consular officer.

In civilized countries the law suffices to protect British subjects and commerce, and paid Consuls may not be necessary. In barbarous countries, the appointment of unpaid Consular officers, selected frequently from traders of a class who have neither the education nor feelings of justice and honour requisite to render them fit to conduct magisterial duties, produces evils such as the writer of the articles in the "Globe" describes.

There are, however, unpaid Consular officers in Morocco, such as Mr. Frost, the Vice-Consul at Rabat,* who conduct their duties in an honourable and satisfactory manner.

* Also Mr. Redman, Vice-Consul at Mequinez.—J. H. D. H.

Should the negotiation for the revision of the Convention of Commerce and reduction of duties on grain have a successful issue, Daralbaida would become a port of considerable importance for the exportation of grain, and in such case I am of opinion that it would be advisable on every account that an educated English gentleman should be appointed paid Vice-Consul at that port.

Article No. 3 of the 12th July describes the Moorish prison at Daralbaida, which the writer had visited. Captain Rolleston, when he brought under my notice the alleged cases of injustice in the prosecution of the claims of British subjects, mentioned the disgraceful state of the prison at Daralbaida. On receiving this information, I addressed a despatch to the Vice-Consul, of which I enclose an extract, with copies of the correspondence of the Vice-Consul with the Governor.

I made a comment upon the same subject to Hadj Mohamed Torres.

With regard to the last paragraph in article No. 3 of the 12th July, where it is stated that two native women were most shamefully and cruelly tortured by order of an English official, I beg to refer to my despatches No. 18 of the 10th March, 1883, No. 22 of the 23rd March, 1883; No. 32 of the 26th April, 1883, No. 43 of the 28th May, 1883, No. 47 of the 5th June, 1883; and to your Lordship's replies No. 8 of the 26th February, 1883, No. 13 of the 29th March, 1883, No. 17 of the 21st April, 1883; No. 28 of the 14th June, 1883, and No. 27 of the 20th June, 1883.

I have, &c.
(Signed) J. H. DRUMMOND HAY.

Inclosure 1 in No. 46.

Sir J. Drummond Hay to Vice-Consul Laperon

(Extract) *Tangier, June 10, 1884.*
CAPTAIN ROLLESTON states that the prison at Daralbaida is in a disgustingly filthy state, unfit for the habitation of human beings, and that the prisoners are treated in the most inhuman manner, and are exposed to the most cruel sufferings.
I have to direct that you lose no time in ascertaining whether this statement is correct, and that you take efficacious but energetic steps to induce the authorities to cleanse the prison, to mitigate the sufferings of the prisoners, and to remove the chains from those who have been imprisoned in consequence of the r being debtors to yourself or other British subjects; and further, that a sufficient supply of food be provided to the prisoners. I shall make also a representation to the Acting Moorish Minister upon this subject.

Inclosures 2 in No. 46.

Vice-Consul Laperon to the Governor of Daralbaida.

(Translation) *30 Shaban, 1301.*
(After usual compliments.)
I HAVE to inform you that the British Minister writes to me that he has been informed that the prison here is in a most filthy state, full of vermin, and that the prisoners are in chains with iron rings round their necks, and he has directed me to write to you on the subject, and to request that the prison be cleaned, and the chains and rings removed from the prisoners' necks, and that an allowance of bread be made them daily.
Please give an early reply, which I propose to transmit to Her Majesty's Minister.
Peace

Inclosure 3 in No. 46.

The Governor of Daralbaida to Vice-Consul Laperon.

(Translation) *30 Shaban, 1301.*
(After usual compliments.)
I HAVE received your letter stating that the British Minister wrote to you that he had been informed that the prison here was in a most filthy state, and full of vermin, and that the prisoners therein detained are all bound in chains, and that he directs you to speak to us on the subject; removing the irons, and making them an allowance of bread.

In reply I have to state that the prison here is very clean and good, and no dirt or vermin of whatever nature is to be found in it, and it is cleaned. The prisoners are principally debtors to Jewish and European merchants, and the allowance of bread should be paid by those merchants who have sent them to prison, although they have relatives who bring them food. The system of having the prisoners in irons is customary here, for fear of the consequences, however, this matter remains in the hands of the Sultan, and what is well will be done. Peace.

No. 47.

Earl Granville to Sir J. Walsham.

(No. 603.)

Sir,

I HAVE to inform you that I approve the terms of the note verbale, copy of which is inclosed in Lord Lyons' despatch No. 461 of the 6th instant, and in which, in accordance with my despatch No. 659 of the 1st instant, his Excellency again pressed M. Jules Ferry to give publicity to M. Ordega's denial that he used the language respecting Sir J. D. Hay attributed to him by the "Gaulois."

I am, &c.
(Signed) GRANVILLE.

No. 48.

Earl Granville to Sir J. Walsham.*

(No. 694.)

Sir,

I TRANSMIT herewith, for your information, copy of a despatch from Her Majesty's Minister at Tangier relative to the present condition of affairs in Morocco.†

I am, &c.
(Signed) GRANVILLE.

No. 49.

Mr. Reade to Earl Granville.—(Received August 14.)

(No. 30)

My Lord,

Tunis, August 6, 1884.
I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 26 of the 10th ultimo, and of the copy it incloses of a letter from the French Ambassador, in which his Excellency expresses his views regarding General Benayad's appeal to the French Tribunal against the arbitration award of the 5th May last, and of your Lordship's reply to that letter.

I trust it is scarcely necessary I should add that the judgment which your Lordship has pronounced on the general tenor of the Ambassador's letter will be duly borne in mind and acted upon at this Consulate-General.

I have, &c.
(Signed) THOS. F. READE.

P.S.—Owing to the paucity of steamers running, in these days of quarantine, your Lordship's despatch No. 26 of the 10th ultimo was not received by me until yesterday, the 5th August.

T. F. R.

No. 50.

Mr. Reade to Earl Granville.—(Received August 14.)

(No. 37)

My Lord,

Tunis, August 6, 1884.
BY Beylical Decree published in the "Tunis Official Journal" of the 1st instant, notice is given of an impending transfer of jurisdiction from the native to French

* Also to Mr. de Bunsen (No. 106).

† No. 40.

Tribunals, and authority granted for a revision or modification of the Mussulman Code, so as to adapt the judicial administration to the altered circumstances of the country.

To carry into effect the objects of the Decree, a Commission has been named with powers to reform the laws of the country in respect of its civil as well as criminal jurisdiction.

Whether the exclusion from that Commission of nominees or representatives of the foreign Consular Corps is rightly regarded here as matter of surprise, I am not prepared to offer an opinion; but there is no doubt that the Commission is so constituted that it does not inspire confidence in the minds of the public generally.

I would beg, therefore, to respectfully submit that, before acceding to any of the alterations which the said Commission may propose and the Tunisian Government ratify, it may be well to call upon Her Majesty's Representative, whoever he may be, for a report upon the subject.

An impression of the official journal to which I have referred is hereto annexed.

I have, &c.

(Signed) THOS. F. READE.

Inclosure in No. 50.

Extract from the "Journal Officiel Tunisien" of August 1, 1884.

Décret du 9 Chaoual, 1301 (31 Juillet, 1884).

(Louanges à Dieu.)

VU l'Article 2 de la Loi du 28 Mars, 1883, promulguée par Décret du 10 Djoumadi-
et-Tani, 1300 (18 Avril, 1883).

Vu le Décret du 27 Djoumadi-et-Tani, 1300 (8 Mai, 1883).

Vu l'assentiment du Gouvernement de la République Française.

Un grand nombre de Puissances qui en vertu de Traités ou de Capitulations jouissaient du droit de rendre la justice en Tunisie dans certaines affaires concernant leurs nationaux, nous ayant fait connaître qu'elles renonçaient à ce droit en faveur des nouvelles juridictions établies par le Gouvernement de la République Française, nous avons pensé que le moment était favorable pour simplifier plus encore l'organisation judiciaire de la Régence.

Cette réforme à la fois avantageuse pour nos sujets et ceux des Puissances amies, puisqu'elle rendra la justice plus expéditive pour tous, consiste en la remise aux Tribunaux Français du jugement des affaires civiles et commerciales, dans lesquelles des Européens seront en cause, sans qu'il y ait lieu de distinguer s'ils occupent la situation de demandeurs ou celle de défenseurs.

En matière pénale les Tunisiens resteront bien entendu en tout état de cause nos justiciables, car c'est là un des attributs de notre souveraineté.

Ayant l'intention d'étendre aussi la compétence des Tribunaux Français, dans le cas où des Européens sont en cause, aux matières immobilières, mais reconnaissant l'impossibilité de le faire avant que la codification des lois qui les règlent ait été établie, nous n'avons pu que mettre ce sujet à l'étude et le confier à une Commission d'hommes éclairés et instruits tant dans les lois de notre sainte religion que dans celles des Puissances amies.

Pour ces divers motifs nous avons pris le Décret suivant :—

Article 1^{er}. Les Tribunaux Français connaîtront à partir de la promulgation du présent Décret, toutes les affaires civiles et commerciales dans lesquels des Européens seront en cause, dans les matières où ils sont compétents actuellement lorsque des Européens sont défendeurs.

Art. 2. Néanmoins est expressément réservé aux Tribunaux religieux le règlement des contestations relatives au statut personnel ou aux successions de sujets Tunisiens, Musulmans ou Israélites.

Art. 3. Les Jugements et décisions qui ont été rendus, ou qui seront rendus jusqu'à ce qu'il en soit autrement ordonné par les Tribunaux Indigènes, le Ministère, le Comité Exécutif de la Commission Financière, la Commission Financière, les diverses autorités et corps constituées, ou les Commissions spéciales instituées par notre Gouvernement, dans les limites de leurs attributions ainsi qu'elles sont déterminées par les lois, usages, ou pouvoirs consentis par les intéressés, continueront à être reconnus et exécutés quelle que soit la nationalité des parties en cause.

Art. 4. Toute pièce signifiée à un Tunisien devra l'être, à peine de nullité, en langue Arabe, jusqu'à ce qu'il ait constitué avoué.

Art. 5. Il est institué une Commission chargée de préparer la codification des lois relatives à la propriété foncière en Tunisie et de proposer les conditions dans lesquelles la compétence en matière immobilière sera remise aux Tribunaux Français.

Art. 6. Cette Commission sera composée ainsi qu'il suit :—

M. Paul Cambon, Ministre Résident de la République Française, Président.

Si El-Aziz Bou-Attour, Premier Ministre.

Mohamed Barram, Cadi Hanéfi.

M. Bensaïon, Avocat Défenseur.

M. Berner, Procureur de la République.

M. Bompard, Secrétaire-Général du Gouvernement.

M. Brulat, Avocat Défenseur.

Chedh-ben-Salah, Bach Mufti Maléki.

M. Depienne, Directeur-Général des Finances.

M. Ferné, Juge au Tribunal.

M. Grand, Directeur-Général des Travaux Publics.

M. Grégoire, Avocat.

Ahmed-ben-el-Khodja, Cheikh-ul-Islam.

Taber en Nisar, Cadi Maléki.

M. Parisot, Juge au Tribunal.

M. Ponton, Président du Tribunal.

M. Konnot, Juge d'Instruction.

M. Sciortino, Avocat Défenseur.

MM. Maoussare et Lemarchand, Juges Suppléants, feront partie de la Commission avec voix consultative et rempliront les fonctions de Secrétaires.

Décret du 8 Chaoual, 1301 (30 Juillet, 1884).

(Louanges à Dieu.)

Article 1^{er}. Il est interdit d'enterrer dans les cimetières publics et privés situés dans l'enceinte de la ville de Tunis, qui désormais seront élevés de tous côtés.

Art. 2. Aucune inhumation n'aura lieu dans les églises, mosquées, ou temples et généralement dans aucun édifice clos et fermé servant de lieu de réunion pour la célébration d'un culte quelconque.

Aucun cimetière privé ne pourra être ouvert sans notre autorisation.

Aucune nouvelle concession perpétuelle ou temporaire ne pourra être accordée désormais dans un cimetière situé à l'intérieur de la ville.

Art. 3. Toutefois, ceux en faveur de qui serait invoqué un des titres suivants pourront être inhumés dans les cimetières situés à l'intérieur de la ville dans les églises, mosquées, ou zaoua :

Ces titres sont :—

1. (A) Un titre notarié établissant que le défunt a été propriétaire du terrain où il prétend être enterré avant que ce terrain ne soit devenu un cimetière public ou privé.

(B) Un contrat constatant qu'un droit de concession perpétuelle a été consenti en sa faveur.

(C) Une clause formelle régulièrement insérée dans une constitution de Habous.

2. Les témoignages de trois Notables, du Chef du Quartier, et de l'Imam de la mosquée ou de la zaoua, constatant que deux ancêtres au moins du défunt ont été enterrés à la place indiquée; ces témoignages seront consignés dans un acte signé de deux notaires.

Dans le cas où des inscriptions énonçant les noms et qualités des ancêtres du défunt subsisteraient encore sur des tombes, la constatation de ce fait par l'Imam du cimetière, et le Chef du Quartier devant un notaire nommé par nous, sera considéré comme un titre suffisant.

Les titres ou les actes notariés ci-dessus désignés seront déposés sans délai entre les mains du Président de la Municipalité ou de son délégué, qui statuera d'urgence sur leur validité.

La décision prononcée par lui sera exécutoire nonobstant opposition ou appel.

Les parties intéressées pourront appeler de la sentence prononcée par ce fonctionnaire dans un délai de trois jours. L'appel sera jugé par le Tribunal compétent en matière immobilière.

Pendant l'instance le corps sera inhumé dans un des cimetières situés hors de la

ville. L'exhumation et le transport du corps dans un cimetière intérieur ne pourront être autorisés que par nous, même dans le cas où le droit des parties aurait été reconnu en appel.

Art. 4. Les prescriptions suivantes devront en outre être remplies par les intéressés qui invoqueraient un des titres énumérés limitativement dans l'Article précédent :—

1. Faire creuser une fosse de 2 mètres de profondeur, qui sera remplie de terre foulée et sur laquelle un lit de chlorure de chaux sera étendu.

2. Recouvrir la fosse sur toute la surface d'un dallage et l'entourer de tous côtés d'une construction en pierres, ayant 1 mètre de profondeur et émergeant du sol de 30 centim.

3. Dans le cas où un caveau serait affecté à la sépulture d'une famille, il devra être tenu dans un bon état d'entretien, sous peine, dans le cas d'observation de cette condition, après un premier avertissement, de la déchéance des droits qui appartiendraient aux ayants cause du défunt. Cette déchéance sera prononcée après avis du Président de la Municipalité.

Art. 5. Ceux qui pourraient invoquer un des titres énumérés dans l'Article 3 auront la faculté d'obtenir dès à présent et sans frais sur une simple requête adressée au Président de la Municipalité un emplacement pour l'inhumation de leurs familles dans un cimetière situé hors de la ville, à la condition qu'ils renonceront expressément pour eux et leurs descendants à être inhumés dans un des cimetières intérieurs.

Art. 6. Lorsque la salubrité l'exigera, la fermeture temporaire ou définitive des cimetières publics et privés situés à l'intérieur des villes pourra être prononcée par Arrêté du Président de la Municipalité approuvé de notre Premier Ministre, à la condition qu'un terrain d'une surface au moins égale en superficie soit fourni à l'extérieur par la Municipalité.

Ce cimetière nouveau ne pourra être établi qu'à une distance de 100 mètres au moins de toute habitation. Aucun puits, aucun mur de fondation ne pourra être creusé ou élevé à moins de 100 mètres du nouveau cimetière.

Les constructions établies sur les tombes par ceux qui possèdent des concessions perpétuelles ou temporaires devront être rétablies dans le nouveau cimetière par les soins de la Municipalité.

Art. 7. Un Règlement Municipal pris sur l'initiative de la Commission d'Hygiène et approuvé par notre Premier Ministre réglera les déclarations de décès, leur constatation par des médecins ou par des personnes nommées à cet effet, les délais dans lesquels les inhumations devront être effectuées et généralement toutes les mesures d'ordre ayant trait au transport des cadavres à la police et à la salubrité des cimetières.

Art. 8. Ceux qui, sans l'autorisation préalable du Président de la Municipalité dans le cas où elle est prescrite, auront fait enterrer un individu décédé, seront punis de six jours à deux mois d'emprisonnement et d'une amende de 25 à 80 piastres ou de l'une de ces deux peines seulement. Sera puni d'un emprisonnement de trois mois à un an et de 25 à 300 piastres d'amende, quiconque se sera rendu coupable d'exhumation non autorisée par nous, sans préjudice des peines contre les crimes ou délits qui se seraient joints à celles-ci.

No. 51.

Mr. Reade to Earl Granville.—(Received August 14.)

(No. 38.)

My Lord,

Tunis, August 6, 1884

I HAVE the honour to acknowledge the receipt of your Lordship's despatch No. 27 of the 17th ultimo regarding a piece of ground which is the subject of litigation between the trustees of the British Protestant church in this city and M. Rouquerol, a French subject.

Called upon by your Lordship to ascertain and report whether the case is one which the French Tribunals have power to entertain, I am able to state, on the authority of the Procureur-Général de la République, that the French Tribunals cannot exercise jurisdiction over acts of the Municipality or any other local Administration, and would consequently plead incompetency if the case were submitted to them.

It may be well, however, I should observe, with reference to the above opinion, that, as stated in my despatch No. 37 of this date, a Commission is at this moment engaged in reviewing the laws which relate to real property, with a view to bring them within the administration of the French Tribunals.

I have, &c.

(Signed) THOS. F. READE.

No. 53.

Earl Granville to Sir J. S. Lawley.

(No. 16.)

(Telegraphic.)

TUNISIAN finance.

Foreign Office, August 15, 1884, 2.30 P.M.

As Italian Government still await Report from Tunis, as stated in your No. 117, before deciding on French project for redemption of Tunisian Debt, Her Majesty's Government still delay definite announcement of their views to French Government. Inform me, as soon as possible, of result of Italian reference to Tunis.

No. 53.

Earl Granville to Sir J. S. Lawley.

(No. 182 Ext. 16.)

Sir,

Foreign Office August 15, 1884.

WITH reference to my despatch to your Excellency No. 157 of the 10th ultimo, on the subject of the redemption of the Tunisian Debt, I have to state to you that as it appears from your Excellency's despatch No. 117 of the 29th ultimo that the Italian Government are still awaiting a Report from their Representative in Tunis before deciding upon the French Project, Her Majesty's Government still delay a definite announcement of their views to the French Government thereupon.

I have accordingly to request that your Excellency will inform me as soon as possible of the result of the Italian reference to Tunis.

I am, &c.

(Signed) GRANVILLE.

No. 54.

The Bishop of Gibraltar to Mr. Lister.—(Received August 16.)

My dear Mr. Villiers Lister,

Christ Church, Oxford, August 15, 1884.

I HAVE received several letters from the Rev. Henry E. Reichardt, English Chaplain at Tunis. He asserts that a piece of ground adjoining the English church, and given by the Municipality of Tunis to trustees for the use of the English church, has been violently seized by a Frenchman.

The matter has been referred to Earl Granville. Mr. Reichardt wishes me to ask for an interview with Earl Granville. But an interview is not necessary. I am now at Landkey, Barnstaple, and have no wish to make a long journey, and trouble Lord Granville.

Perhaps you will kindly put the correspondence into the hands of some authority at the Foreign Office, who will tell me what answer I should send to Mr. Reichardt.

I hope that you will pardon me for giving you this correspondence to read; but a whole year has passed without a letter from me to disturb your peace.

Believe me, &c.

(Signed) O. W. GIBRALTAR.

Inclosure 1 in No. 51.

The Rev. H. Reichardt to the Bishop of Gibraltar.

My Lord,

Tunis, April 23, 1884.

IN a former communication to your Lordship I adverted to a piece of ground adjoining our church as having been given by the Municipality of Tunis to the trustees for the purpose of building thereon a parsonage.

A Frenchman has violently seized the ground, claiming it as his property, and is just erecting a wall thereon. The ground has evidently been sold clandestinely after the entrance of the French into Tunis, and as long ago as the 13th March, 1842, our Consul-General, Mr. Reade, a held for negotiations respecting the sale of the plot of ground in question from the Tunisian Prime Minister, but has not been able to elicit a reply up to the present moment.

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On the 8th June, 1883, Mr. Reade entered into a formal engagement with M. Caubon, the French Resident Minister, to the effect that neither party should occupy the ground till the matter had been settled at the Mahomedan Court called "Sharia."

Since we were the first occupiers of the soil, it was but natural that the Frenchman who obtained secretly a title-deed should bring the matter before the Court; but, instead of doing so, has seized the ground in a violent manner, and the French Consulate being applied to, and reminded of their chief's engagements, his *locum tenens* declines to accept this engagement, and states that it is not in his power to interfere. When this letter reaches your Lordship I have reason to believe that the whole matter will have been placed in the hands of Her Majesty's Government, and Lord Granville will be requested to interfere in the matter.

It is but my duty to inform your Lordship of these Church questions now pending, and as our Church requires at the present moment powerful friends at home, I have no doubt your Lordship will do whatever is in your power to uphold the rights of our Church here at Tunis and her property.

I am happy to be able to add that our Consul-General, Mr. Reade, has done all in his power to bring the matter to an amicable settlement; but, instead of meeting him in the same spirit, the *locum tenens* of the French Resident Minister has just treated the matter in the opposite direction.

I beg, &c.
(Signed) H. C. REICHARDT.

Inclosure 2 in No. 54.

The Rev. H. Reichardt to the Bishop of Gibraltar.

My Lord,

Tunis, June 21, 1884.

YOUR Lordship's letter from Odessa came safely to hand. All the documents connected with the plot of ground in connection with our church, and now in dispute, have been for a very long time in the hands of Lord Granville, but up to the present moment our Consul-General, Mr. Reade, has not received any communication from the Foreign Office on this subject.

We feel much obliged for your Lordship's kind offer when in London to see Lord Granville, and we should feel thankful if you would now urge the matter upon his Lordship's attention in the strongest terms possible, in order that this question may be settled as soon as possible.

I beg, &c.
(Signed) HENRY C. REICHARDT

Inclosure 3 in No. 54.

The Rev. H. Reichardt to the Bishop of Gibraltar.

My Lord,

Tunis, August 9, 1884.

ONCE more I must trouble your Lordship with a line respecting the piece of ground adjoining our church which has been illegally sold by the Tunisian Municipality to a Frenchman. The matter has been referred to the Foreign Office, and all the papers and correspondence with reference to this case have been in the hands of Lord Granville since the beginning of May without any steps having been taken to bring the matter to a satisfactory solution.

Your Lordship kindly promised to speak to Lord Granville on the subject when in London, in consequence I have written ere this to your Lordship, but owing to the irregularities of our mails I fear that letter has not reached you. Permit me to say that the question has to be settled here either by arbitration or by a competent Tribunal. The first, however, namely, arbitration, will probably not be resorted to, and the only competent Tribunal in this matter is the Tunisian Tribunal called "Sharia." The French Tribunals lately established here by the French Government are entirely incompetent to deal with matters touching matters in which the Tunisian Government, or their officials, are concerned; and since that piece of ground in dispute was given to us, and after three years sold to a Frenchman by the Municipality, the French Tribunals are

therefore entirely incompetent in deciding the matter. Would you kindly see Lord Granville at your earliest opportunity, and request him to see that this matter is settled as soon as possible?

Believe me, &c.
(Signed) HENRY C. REICHARDT.

No. 55.

Sir J. B. Lumley to Earl Granville.—(Received August 18.)

(No. 128.)

My Lord,

Rome, August 9, 1884.

IN continuation of my despatch No. 117 of the 23rd ultimo, I have the honour to forward herewith to your Lordship a *pro-memorandum* given to me by the Italian Minister for Foreign Affairs, containing the views of the Italian Government on the French project for the redemption of the Tunisian Debt.

His Italian Majesty's Government are not prepared to put forward any objections to the above project in principle, but will require that the Consuls shall be distinctly permitted to exercise a control, not only in person as allowed by the project, but by means of Delegates also, whenever they cannot attend to the matter themselves.

I have, &c.
(Signed) J. SAVILE LUMLEY.

Inclosure in No. 55.

Pro-memorandum.

(Translation.)

ALTHOUGH it be evident that, strictly speaking, the Government of His Highness the Bey of Tunis cannot modify the Agreement of the 23rd March, 1870, without the consent of the Governments who, under that Agreement, took part in the establishment of the Financial Commission, still the Italian Government, taking specially into consideration the practical side of the question, has not, in principle, any objection to agree, as far as it is concerned, to the proposed new guarantees brought forward by the Beylical Government in favour of the holders of the certificates of 1870 to replace the guarantees which these holders hitherto possessed under the control intrusted to the International Financial Commission over the Customs Administration of the Regency.

The Government of the King, however, intends to ask for and require a modification which seems useful both for the general interest, and for better insuring the regularity of the service, and which, for these reasons, they hope will be acceptable to the Cabinet of St. James', as well as to that of Paris, and unlikely to meet with objections on the part of the Government of the Bey.

This modification would consist in allowing the Consuls, by an explicit permission, to exercise, by means of Delegates, the control intrusted to them whenever they should not be able to exercise it directly.

Rome, July 31, 1884.

No. 56.

Earl Granville to M. Waddington.

M. l'Ambassadeur,

Foreign Office, August 21, 1884.

I HAVE the honour to acknowledge the receipt of your Excellency's note of the 2nd July, bringing officially to my notice the arrangement come to between the French and Tunisian Governments for the conversion of the Tunisian Debt, which your Excellency observes will entail the abolition of the Financial Commission.

I would remind your Excellency that the Bey's Decree of the 5th July, 1880, was issued by His Highness after a special agreement between the Governments of Great Britain, France, and Italy, who gave their preliminary sanction to its terms, and that there was a clear understanding that in all matters relating to the Tunisian Finance Commission the three Powers should act in conjunction.

Accordingly, in my note to M. Challengel-Lacour of the 20th May, 1881, after referring to Article VII of the Treaty between the Bey and the French Government of the 12th May, 1881, I observed that if the agreement proposed to be entered into with the Bey was intended to change the constitution of the Financial Commission established by the Bey's Decree of the 5th July, 1869, after preliminary agreement between the Governments of Great Britain, France, and Italy, and in which British creditors are represented, Her Majesty's Government think that an opportunity should be given to the creditors of expressing their views on the subject.

No communications have since passed which could cause any doubt as to the acquiescence of the French Government to that understanding, and Her Majesty's Government were not prepared therefore to learn that, without previous consultation with them, or with the Government of Italy, definitive financial arrangements have been entered into between the French and Tunisian Governments which entail the disappearance of the Financial Commission.

Her Majesty's Government, however, do not take exception to the terms proposed to the creditors, and, indeed, they have received no representations from them on the subject, but it was necessary to refer to Her Majesty's Consul General at Tunis before an answer could be returned to your Excellency's communication now under reply.

I now have the honour to inform you, M. l'Ambassadeur, that Her Majesty's Government have no objection to offer to the arrangements proposed by your Government, provided that it be understood that the verification of the Customs accounts by the Consuls of Great Britain, France, and Italy, may be performed by Delegates to be appointed by them, or their respective Governments, should it be found necessary or more convenient to do so.

I have, &c.
(Signed) GRANVILLE.

No. 57.

Earl Granville to Sir J. B. Lumley.

(No. 190.)

Sir,

WITH reference to my despatch No. 157 of the 10th ultimo, I transmit herewith, for your Excellency's information, a note which I have addressed to the French Ambassador at this Court on the subject of the proposed arrangement between France and Tunis for the conversion of the Tunisian Debt.*

I am, &c.
(Signed) GRANVILLE.

No. 58.

Earl Granville to Mr. Reade.

(No. 33.)

Sir,

WITH reference to your despatch No. 26 of the 12th June last, I transmit herewith, for your information, copies of a correspondence which has passed between the French Ambassador at this Court and myself on the subject of the proposed arrangement between the French and Tunisian Governments in respect of the conversion of the Tunisian Debt.†

I am, &c.
(Signed) GRANVILLE.

No. 59.

Mr. Reade to Earl Granville.—(Received August 25.)

(No. 39.)

My Lord,

I HAVE the honour to acknowledge the receipt, this day, of your Lordship's despatch No. 31 of the 9th instant, inclosing a copy of a letter from the French Ambassador, in which his Excellency complains that I had signified to the Bey a protest

* No. 56.

† Nos. 57 and 58.

against the recent decision of the Arbitrators in General Benayad's case, and calling upon me for an explanation.

Before submitting the remarks I have to offer in reply, I beg to express my extreme regret that I should have to defend myself against a charge of the kind now put forward.

The case, if not literally misrepresented, is not stated with sufficient preciseness. I have not, as intimated in the Ambassador's letter, signified, in my own name, or in any form involving responsibility so far as I am concerned, a protest against the arbitration award, but simply communicated to the Tunisian Government a letter of protest which General Benayed, or his lawyer, M. Aicard, has thought proper to address in connection with proceedings that are being taken on appeal against the decision of a French Tribunal which confirms the sentence of the Arbitrators.

It is scarcely necessary I should state that, in matters of this nature, the Consulate serves merely as an office of registration. Nobody, in fact, knows better than M. Cambon that hundreds of such acts of protest pass annually to him through the channel of Her Majesty's Consulate-General, and that, so long as they are expressed in respectful terms, I am not justified in refusing to communicate them.

In confirmation of the above, I beg to submit a copy of the letter to M. Cambon which accompanied Benayad's protest.

Allusion having been made to the letter in which your Lordship's views with regard to Benayad's appeal against the sentence of the Arbitrators were communicated to M. Waddington, I beg to add that your Lordship's despatch No. 26 of the 16th July, with a copy of that letter inclosed, did not reach me until the 5th instant, that is to say, until a week after the day on which I communicated Benayad's protest to M. Cambon.

I venture, under the circumstances, to hope that the foregoing explanation will be found satisfactory, and that I shall be acquitted of a charge which, coming as it does at the extreme end of a longish career, I feel to be doubly mortifying.

I have, &c.
(Signed) THOS. F. READE.

Inclosure in No. 59.

Mr. Reade to M. Cambon.

Excellency,

AT the request of M. Albert Aicard, Agent, and on behalf of Sid Hamuda Benayad, an "administré" of this Consulate General, whom he professionally represents, I have the honour to herewith transmit, for communication on to the Tunisian Government, the inclosed copy of a letter of protest which has been addressed to me with reference to proceedings that are being taken on appeal against a sentence rendered on the 5th May last by Arbitrators in the case of the said General Benayad's claim against the Tunisian Government, and subsequently confirmed by a French Tribunal in this city.

I have, &c.
(Signed) THOS. F. READE.

No. 60.

Sir J. Pannecote to the Bishop of Gibraltar.

My Lord,

I HAVE the honour, by Earl Granville's directions, to acknowledge the receipt of the letter which your Lordship addressed to Mr. Vickers Easter on the 15th instant, forwarding a letter from the Rev. H. C. Reichardt, the English Chaplain at Tunis, on the subject of the litigation between the trustees of the English church at that place and M. E. Rouquerol in regard to the piece of ground adjoining that church.

As your Lordship expresses the wish to be enabled to return an answer to Mr. Reichardt, Lord Granville thinks that he cannot do better than transmit to you the accompanying copy of a representation which he has received on this subject from Mr. Campbell, and of the answer which he caused to be returned to it.*

In communicating this correspondence to your Lordship, I am to observe that it is useless to apply to the French Government to restrain M. Rouquerol from building on

* Nos. 26 and 33.

the land, or to compel him to commence proceedings in the "Sharfa," as it is clear that they have no power to do so, and the statement that they made any agreement on the subject is not supported by the correspondence on which the complainants rely.

I am, &c.
(Signed) JULIAN PAUNCEFOTE

No. 61.

Mr. White to Earl Granville.—(Received September 3.)

(No. 80.)

My Lord,

Tangier, August 27, 1884.

THE Basha of Tangier, who commands the forces sent by the Sultan to chastise the rebel villages in Anjera, was about to proceed to the village of Ain Hamra, whose inhabitants had proclaimed the Sherref of Wazan as their Ruler and Sovereign, when the Sherref, accompanied by M. Blondel, a Secretary of the French Legation, and a number of his dependants, left Tangier suddenly and proceeded to Ain Hamra.

Cid Mohammed Bargash, alarmed at this movement, which was evidently intended to protect the revolted villagers by their presence, and prevent the Basha attacking them, at once addressed a note to M. Ordega, remonstrating on this strange proceeding, and protesting that, if they remained at Ain Hamra, the Moorish Government would not be held responsible should any untoward incident occur owing to their presence in a village marked out for chastisement for their revolt.

M. Ordega, in reply to this note, expressed his surprise at receiving the communication, and stated that the Sherref and M. Blondel were only engaged in a "partie de chasse."

On the 24th instant M. Blondel returned to Tangier, and subsequently called on Cid Mohammed Bargash with M. Bertrand, the Chancelier of the French Legation, and by direction of M. Ordega made a formal complaint against the Basha of Tangier for having, as they alleged, sent to inquire of the Sherref and M. Blondel why they had come to Ain Hamra, and to request them to withdraw, and also for having caused a village farrier, who was shoeing the horse of M. Blondel, to be arrested.

M. Ordega made a serious grievance of this conduct of the Basha, and demanded satisfaction. Cid Mohammed Bargash replied that he had foreseen that the visit of the Sherref and the French Secretary at such a time to Ain Hamra would inevitably give rise to a question, and he had on this account protested against it. He promised, however, that he would write to the Basha and make inquiry into the matter.

On the 26th instant M. Blondel returned to Ain Hamra, where he still remains with the Sherref, the French flag, it is stated, floating over their encampment.

M. Ordega has never ceased interceding with Cid Mohammed Bargash for the villagers of Ain Hamra, but when asked whether he protects them he always replies in the negative.

It is evident that M. Ordega and the Sherref are persuaded that, if the Sultan succeeds in asserting his authority over the rebellious adherents of the Sherref, and chastises them, a fatal blow will be dealt to the influence of the Sherref; whereas, if they can in any way shield the rebels from punishment, the Sherref's prestige will be maintained and the authority of the Sultan will be proportionally weakened. It is with this view that the visit of the Sherref and M. Blondel to Ain Hamra was planned, and there they will probably remain as long as the Sultan's troops occupy Anjera, counting on the timidity of the Moorish authorities, who will be afraid to move on that village whilst the French flag is displayed there; or else they will succeed in their attempt to establish a grievance by which fresh complications may be brought about, which must result unfavourably to the Moorish Government as the weaker party.

I have, &c.
(Signed) HORACE P. WHITE

P.S. August 28.—Since writing the above I have received information that the French flag is not hoisted at Ain Hamra, as was generally reported, but that a large number of the rebellious tribesmen are collected in that village, gathering round the Sherref.

H. P. W.

No. 62.

Mr. Roade to Earl Granville.—(Received September 6.)

(No. 40.)

My Lord,

Tunis, August 24, 1884.

I HAVE the honour to acknowledge the receipt of Sir Julian Pauncefote's despatch No. 29 of the 1st instant, inclosing, for my information, a copy of a letter which had been addressed to Mr. Campbell, M.P., on the subject of the question pending between the British Protestant church at this place and M. Rouquerol, a French subject.

On perusal of the latter communication it has occurred to me that certain of the conclusions which are therein expressed are founded on erroneous or insufficient information, and consequently at variance with the real facts of the case. I trust, therefore, I shall be pardoned for venturing in the following observations to place the whole of the circumstances in their true light.

M. Cambon is said to have "promised to use his good offices to induce M. Rouquerol to stop his building operations on the land, pending the decision of the question of title by the competent Tribunal (the 'Sharfa'), but," it is added, "there was no undertaking on the part of M. Cambon that the building should cease," &c.

The promise or engagement which is here referred to was made on the 8th June, 1883, when, as reported in my despatch No. 20 of the 6th May last, a disturbance took place between workmen in the service of the church trustees, who had commenced to dig a ditch on the ground in dispute, and workmen in M. Rouquerol's service, who attacked them, and, after driving them away, took forcible possession of the property.

The agreement came to on that day between M. Cambon and myself was, in the first instance, verbal. It was, as I have always represented it, to the effect that neither party should reoccupy the ground until after a decision of the case by the "Sharfa." Nothing, in fact, could be more formal than this engagement, and nothing more determinate than the effect given to it.*

I am aware, my Lord, that the note which I afterwards received from M. Cambon, and which was to serve as a record of the circumstance, is not worded in precisely the same terms as those to which we had verbally agreed. It runs as follows:—

"Je suis tout disposé à inviter M. Rouquerol à interrompre les travaux qu'il a entrepris sur le terrain qu'il revendique, jusqu'à ce que le Tribunal du Charfa, seul compétent pour juger la question, ait prononcé sur ses prétentions."

"Mais vous trouverez, certainement, juste de faire de votre côté la même invitation à M. le Pasteur Reichardt, contestant."

I was wrong, perhaps, in relying, as I did, on the interpretation I had verbally received of that document, and accepting the term "inviter" as signifying a positive order: but there can be no doubt that the workmen in the service of the church were the first to occupy the ground on that day; that they were violently, and therefore illegally, dispossessed of it; and that, as admitted in M. Cambon's note, a decision of the "Sharfa" was absolutely necessary before either of the contending parties could enter into possession.

It is furthermore stated in the letter to Mr. Campbell that, "owing to the neglect of the trustees, who were formerly in possession, to inclose the ground in proper time, M. Rouquerol obtained possession of it, and thereby acquired all the legal advantages which accrue to the person in possession," &c.

I know not what grounds there may be for this view of the case, as, by my Report of the 6th May last, I endeavoured to show that the ground was from the first surrounded by a strong fence of posts, rails, and thickset hedge; that a substantial wooden door, with lock and key, protected the entrance to it; that the fence remained intact during the better part of two years; that, on its being mysteriously removed in 1882, I placed a watchman on the ground and did not take him away until an understanding had been arrived at for the amicable settlement of the question with the co-litigants; that, on the failure of all efforts to bring this understanding to a successful issue, it was determined on the part of the church trustees to build a wall on the site of the former fence; that, as before related, their workmen were engaged in this operation when they were assaulted by a gang in the service of M. Rouquerol, and the disturbance occurred which led to the arrangement between M. Cambon and myself to which I have already referred; and that, in presence of this arrangement and without any previous decision of the case by the Cadi, neither of the parties in litigation was justified in seizing the property.

* See Postscript.

It will, I trust, under these circumstances, appear manifest that while, on the one hand, the trustees cannot fairly be charged with the neglect that is attributed to them, the advantages which it is alleged accrue to M. Rouquerol as the person in possession ought not, on the other, to be regarded as legally acquired.

Evidence of unquestioned occupation of the ground by the church trustees and of the existence of the fence above mentioned is given in a letter from the Italian Representative, of which a copy accompanied my Report of the 6th May; but, if need be, I could furnish additional testimony of the same kind from other gentlemen, including the Rev. E. B. Frankel, of Saltburn-by-the-Sea, Yorkshire, our former Chaplain, under whose immediate direction the said fence was constructed.

Respecting a portion of the ground in dispute which, although claimed by M. Rouquerol, is included in the grant originally made to the church, and goes therefore with the remainder of that property, it is difficult to understand why any such evidence of occupancy should be required.

The preceding remarks I beg respectfully to submit, in the firm conviction that, whatever the judgment that may be formed of them, the object by which they are prompted will be duly appreciated.

I have, &c.
(Signed) THOS. F. READE.

P.S.—I may perhaps add, in support of my remarks on the agreement of the 8th June, that, in pursuance of that agreement, M. de Longeville, Chancellor of the French Consulate-General, and Mr. Carbonaro, who occupies a similar position in my office, accompanied by Janissaries of the two Consulates, proceeded to the ground in dispute, and, after notifying to all the parties interested the understanding which had been come to between M. Cambon and myself, caused the ground to be immediately cleared. It was not until eleven months afterwards, and during a temporary absence of M. Cambon, that M. Rouquerol ventured again to invade the property.

T. F. R.

No. 63.

Earl Granville to Mr. Reade.

(No. 35.)
Sir,

I HAVE had under my consideration your despatch No. 39 of the 20th ultimo reporting on the action you have taken in connection with the protests lodged by General Benayad against the sentence of the Arbitrators, and I have to state to you that the course which you have pursued in this matter is approved by Her Majesty's Government.

I have communicated the substance of your despatch to the French Ambassador at this Court, expressing at the same time my hope that the explanation thus furnished will effectually dispose of the misunderstanding which has arisen in the case.

I am, &c.
(Signed) GRANVILLE.

No. 64.

Mr. Reade to Earl Granville.—(Received September 9.)

(No. 41.)
My Lord,

NOTHING but a stern sense of my duty would justify me in again, and I trust for the last time, recurring to the subject of General Sid Hamida Benayad's position in this country.

It has long been a secret to nobody in Tunis that to counteract British interests on every possible occasion is, with M. Cambon, an object or policy of primary importance, and that a notable feature of that policy is the humiliation and ruin of Benayad and his numerous dependants. The threats more or less openly indulged in by M. Cambon, and the innuendoes contained even in M. Waddington's official correspondence, are in themselves sufficient evidence of the animus entertained towards him.

I humbly believe that the imputations on his character are wholly without foundation, and that his only crime has been his enjoyment of British protection.

I do not desire to refer to the question of the late arbitration, or to his various differences with the Tunisian Government.

The General clearly sees that both he and his family must quit the country as soon as possible. He is using every endeavour to come to some settlement of his affairs, in order to be enabled to do so, but he fears that some act of violence may be done to him before he can complete his arrangements.

It is under these circumstances, and these circumstances alone, that he humbly, but confidently, relies upon the continued protection and good offices of Her Majesty's Government, with a view to an early and peaceable withdrawal from a country in which he was born, and in which, for nearly half-a-century, he has received all the benefits that result from subjection to the British flag.

I have, &c.
(Signed) THOS. F. READE.

No. 65.

Mr. Reade to Earl Granville.—(Received September 8.)

(No. 42.)
My Lord,

I HAVE the honour to report that M. Cambon, the French Minister Resident, took his departure for France yesterday, leaving M. Bompard, Secretary of Embassy, in temporary charge of the Residency.

I have, &c.
(Signed) THOS. F. READE.

No. 66.

Earl Granville to Count d'Aubigny.

M. le Chargé d'Affaires.

IN a note which M. Waddington did me the honour to address to me on the 2nd ultimo, his Excellency remonstrated against certain proceedings supposed to have been taken by Her Majesty's Agent and Consul-General in Tunis in signifying to the Bey a protest against the sentence pronounced by the Arbitrators in the case of General Benayad, with reservation of all rights of diplomatic action.

The charge in question having been referred for the observations of Her Majesty's Agent, I have now received from that officer a Report upon the subject, of which I beg leave to inclose an extract for the information of your Government, and from which it will be seen that the action taken by Mr. Reade was confined to a simple transmission of General Benayad's protest to the Tunisian Government in accordance with the practice usually followed in similar cases.

I entertain no doubt that this explanation will effectually dispose of the misunderstanding which appears to have arisen in regard to the course pursued by Mr. Reade in this matter, and that it will be accepted by the French Government as satisfactory.

I have, &c.
(Signed) GRANVILLE.

Inclosure in No. 66.

Extract from Mr. Reade's Report of August 20, 1884.

BEFORE submitting the remarks I have to offer, I beg to express my extreme regret that I should have to defend myself against a charge of the kind now put forward.

The case, if not literally misrepresented, is not stated with sufficient preciseness. have not, as intimated in the Ambassador's letter, signified in my own name, or in any form involving responsibility so far as I am concerned, a protest against the arbitration award, but simply communicated to the Tunisian Government a letter of protest which General Benayad or his lawyer, M. Aicard, has thought proper to address in connection

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with proceedings that are being taken on appeal against the decision of a French Tribunal, which confirms the sentence of the Arbitrators.

It is scarcely necessary that I should state that, in matters of this nature, the Consulate serves merely as an office of registration. Nobody, in fact, knows better than M. Cambon that hundreds of such acts of protest pass annually to him through the channel of Her Majesty's Consulate-General, and that, so long as they are expressed in respectful terms, I am not justified in refusing to communicate them.

In confirmation of the above, I beg to submit a copy of the letter to M. Cambon which accompanied Benayad's protest.

Allusion having been made to the letter in which your Lordship's views with regard to Benayad's appeal against the sentence of the Arbitrators were communicated to M. Waddington, I beg to add that your Lordship's despatch of the 16th July, with a copy of that letter inclosed, did not reach me until the 5th instant, that is to say, until a week after the day on which I communicated Benayad's protest to M. Cambon.

I venture to hope that the foregoing explanation will be found satisfactory, and that I shall be acquitted of a charge which, coming as it does at the extreme end of a longish career, I feel to be doubly mortifying.

No. 67.

Sir R. Morier to Earl Granville.—(Received September 17.)

(No. 101.)

My Lord,

La Granja, September 12, 1884.

THOUGH the Minister of State returned to Madrid with the King, his Excellency was so busy during the few days that he spent in the capital previously to coming on here that it was only to-day that I had occasion to speak to him.

His Excellency at once entered on the subject of Morocco, and dwelt somewhat ostentatiously on the arrangements which had been come to with France as to the *modus vivendi* to be observed there. It had been agreed that the French Government should communicate the instructions which they sent to their Minister at Tangier to the Spanish Government, and that the Spanish Government should act similarly by the French Government. This had accordingly been done, and, thanks apparently to this *entente cordiale* (this was not said *totidem verbis*, but appeared to me to be what his Excellency wished to insinuate), the summer months had passed in comparative quiet. Señor Diosdado and M. Ordega not having failed to act in concert in accordance with the instructions which they had severally received. Lately, however, as I was doubtless aware, M. Ordega had sent a Secretary of his Legation on a mission to a tribe which had, on behalf of the Sherref of Wazan, raised the standard of rebellion against the Sultan, thus paralyzing the action of the Central Government, and sensibly threatening the stability of the Monarchy. Señor Diosdado had protested against this measure, but M. Ordega had assured him that his only object was to prevent bloodshed. The matter appeared serious, and his Excellency had telegraphed both to Paris and London to inquire whether a statement contained in an English paper to the effect that your Lordship had obtained satisfactory assurances from M. Ferry on the subject was correct.

I told the Marquis del Pazo de la Merced that I knew nothing of these later events; but that with reference to what had passed between us before I left Madrid, I had been instructed by your Lordship to inform his Excellency that Her Majesty's Government had read with exceptional interest the report I had given of the views of the Spanish Government as expressed to me both by his Excellency and by Señor Cánovas, and had given their full weight to the considerations set forth by their Excellencies. Shortly after receiving this communication, the question of Morocco had formed the subject of a confidential interchange of views with the French Government, and the assurances given by the latter were so positive and left so little room to doubt their sincerity, that Her Majesty's Government had felt that there was no reason for the present to apprehend any danger to the maintenance of the *status quo*. I was authorized to say that Her Majesty's Government had in no way altered their attitude as regarded the desirability of maintaining the Moorish Empire or their wish to co-operate with Spain in giving stability to the Sultan's throne. They had therefore learnt with pleasure that the Spanish Government shared these views, and would be ready as heretofore to exchange ideas with them on the Moorish question.

I had drawn up a short statement in the words of the Memorandum approved by

your Lordship in London, and at his Excellency's request I left this statement with him.

I have, &c.
(Signed) R. B. D. MORIER.

No. 68.

Earl Granville to Mr. Reade.

(No. 36.)

Sir,

Foreign Office, September 23, 1884.

I HAVE had under my consideration the observations contained in your despatch No. 40 of the 24th ultimo respecting the difficulty which has arisen between the trustees of the British church at Tunis and M. Rouquerol, a French subject.

I have to state to you, in reply, that the case, as pointed out by Baron d'Estournelles in his letter of the 20th April last, is similar to that of M. Maréchal.

The French Consul-General contends that he has no power to remove the trespassers from the ground in dispute, and the verbal agreement on which you rely is not admitted by the French authorities, and is certainly not supported by the written evidence. Nothing can be clearer than M. Cambon's note of the 8th June, 1883, recording the verbal agreement of that date. The trustees, no doubt, did inclose the ground for a time, but the inclosure was removed in 1882 and not replaced, and it certainly did not exist when M. Rouquerol occupied the ground. Had it been otherwise, there would have been a remedy in the French Courts against him, as explained in the Maréchal case.

I am anxious to do all in my power to assist the trustees, but, as I stated in my letter to Mr. Campbell, unless they can give a more satisfactory answer to the French version of the case, there is very little hope of any diplomatic action being attended with useful results.

I would, however, invite the trustees to take competent legal advice on the spot, and if it can be shown that the French authorities at Tunis have power to compel M. Rouquerol to give up the ground or to cease building on it, or that they can punish him for the alleged trespass, I shall be quite ready to address such representations to the French Government as the circumstances of the case may warrant.

I am, &c.
(Signed) GRANVILLE.

No. 69.

Earl Granville to Mr. Reade.

(No. 37.)

Sir,

Foreign Office, September 23, 1884.

WITH reference to your despatch No. 41 of the 31st ultimo, in which you state that General Sid Hamida Benayad intended to leave Tunis in consequence of the difficulties of his position, I have to observe that General Benayad still enjoys British protection.

I am, &c.
(Signed) GRANVILLE.

No. 70.

Earl Granville to Sir R. Morier.

(No. 114.)

Sir,

Foreign Office, September 26, 1884.

I APPROVE the language which you held to the Marquis del Pazo de la Mercedo respecting Morocco, as well as your having left a Memorandum with his Excellency on the same subject, as reported in your despatch No. 101 of the 12th instant.

I am, &c.
(Signed) GRANVILLE.

Consul White to Earl Granville.—(Received September 29.)

(No. 91.)

My Lord,

Tangier, September 22, 1884.

REFERRING to my despatch No. 80 of the 27th ultimo, I have the honour to acquaint your Lordship that M. Ordega continues to pursue the same tactics for preventing the Sultan carrying into execution his declared intention of chastising his rebellious subjects in Anjera, or at least the people of Ain Hamra, who had revolted against His Majesty's authority.

By the constant presence in that village of the Shereef of Wazan, and the visits of M. Blondel, a Secretary of the French Legation, the action of the Basha of Tangier, who commands the expedition, has been paralyzed, as both he and Cid Mohammed Bargash feared that, by attacking Ain Hamra, occasion might be afforded for some trumped-up charge of an affront offered to the Shereef or M. Blondel, followed by a demand for reparation, backed possibly by the presence of a French squadron at Tangier.

The Sultan's troops have been thus kept for a considerable time in an enforced state of inaction, which has caused the authority of the Sultan to be brought into contempt and ridicule.

Cid Mohammed Bargash informed me confidentially that, to his repeated requests that the Shereef be ordered to withdraw from Ain Hamra, M. Ordega had replied that he had no authority to order a French-protected subject to withdraw from a village where he held property; but that the Sultan, indignant and irritated at this state of things, had lately sent peremptory orders that the troops move on Ain Hamra. Cid Mohammed therefore addressed a note to M. Ordega, stating that Ain Hamra would be immediately attacked, and that if the Shereef was found there he would be arrested and sent in safety to the French Legation at Tangier, but that if he and his followers offered resistance to the Sultan's troops, and he should be killed or injured, his blood would be on his own head.

Upon receipt of this note M. Ordega directed the Shereef to return to Tangier, stating, as I have been informed, that his life is too precious to France to be placed in jeopardy; but upon the withdrawal of the Shereef from Ain Hamra, M. Blondel, accompanied by M. Gaspari, Interpreter of the French Legation, proceeded thither, and they have been there, or in the neighbourhood, for some days.

It is reported that the Basha of Tangier is coming here to confer with Cid Mohammed Bargash as to the course to be adopted under these circumstances.

The object of M. Ordega is evidently to wear out the Sultan with continued vexations until, perceiving that there is no hope of his obtaining the active support of foreign Governments, His Majesty decides either to follow the example of the late Bey of Tunis, and to throw himself into the arms of the French, or, finding the present state of things intolerable, he may be spurred into doing some rash act, and thus give France a plausible pretext for undisguised intervention.

I have, &c.

(Signed) HORACE P. WHITE.